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ACTS

OF THE

GENERAL ASSEMBLY

OF

NEWFOUNDLAND

1933



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ACTS

OF THE

2199

General Assembly

OF

NEWFOUNDLAND 1933.

PASSED IN THE TWENTY-THIRD & TWENTY-FOURTH YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE V.

By His Excellency Admiral Sir David Murray Anderson, Knight Commander of the Most Honourable Order of the Bath, Companion of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commanderin-Chief in and over the Colony of Newfoundland.



533996

ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

1933

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And whereas John G. Stone, Esquire, a member-elect of the present General Assembly for the district of Trinity North, was on the 19th day of July, 1932, appointed to the office of Commissioner of Fisheries pending the establishment of a Department of Marine and Fisheries and has received the emoluments of the said office.

And whereas it is expedient that the seats of the said members should not be vacated.

Be it therefore enacted by the Governor, the Legislative Council and House of Assembly, in legislative session convened, as follows:

Certain Seats in Assembly not vacated.

1. Kenneth M. Brown, Esquire, a member-elect of the present General Assembly for the district of Grand Falls, and John G. Stone, Esquire, a member-elect of the present General Assembly for the district of Trinity North, notwithstanding their acceptance of offices of emolument under the Crown, namely the office of Commissioner of Labour and the office of Commissioner of Fisheries respectively, shall not vacate their seats in the present General Assembly nor be subject to any penalty for sitting and voting therein.

Certain Mem-

2. Notwithstanding the terms of Section 3 of Chapbers may ac- ter 4 of the Consolidated Statutes, Third Series, entitled Ministers with-"Of Legislative Disabilities and the Vacation of Seats in out re-election. the House of Assembly," as amended by the Act 18 George V., Cap. 8, the said Kenneth M. Brown and John G. Stone, if they shall within thirty days of the termination of the present session of the legislature accept the offices of Minister of Labour and Minister of Marine and Fisheries respectively, shall not thereby vacate their seats in the present General Assembly.

CAP. II.

AN ACT TO GRANT CERTAIN FRANCHISES AND PRIVILEGES TO THE CLARENVILLE LIGHT A.D. 1933. AND POWER COMPANY, LIMITED.

(Passed July 7, 1933)

SECTION

- 1.—Grant of water-power rights to Clarenville Light & Power Co., Ltd.
- 2.—Grant of the Electrical supply franchise.
 3.—Right to use of
- highways, etc.
- 4.—Height of transmission wires.
- 5.—Private telephone sys.
- 6.—Compensation for dam-
- 7.—Expropriation of lands. 8.—Assessment of compen-

sation.

SECTION

- 9. -Period for commencement and completion of
- 10.—Exemption from taxes. 11. Franchises, etc., may be
- pledged or assigned.

 12.—Cost of lighting of
- streets, etc. 13.—Rights not to be exclusive if certain service not given.
- 14.—Purchase of plants, etc., by Government.
- 15.-Exemptions from duty.
- 16.-Jurisdiction of Public Utilities Commission.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. The Clarenville Light and Power Company, Limit-Grant of ed, is hereby granted the right to use the waters of the water-power Brook, flowing out of Lake of the Woods near Clarenville, clarenville Trinity Bay, for the purpose of developing hydro-electric Light & Power energy, for a term of fifty years from the date of the pas-Co., Ltd. sing of this Act, and for the purpose of its works and operations the Company shall have the right to divert, stop or dam up any stream, lake or watercourse within the drainage area of the said Brook, and to make, construct and maintain any dams, flumes, watercourses, culverts, drains and reservoirs in the said area for any of its works or operations: provided however that nothing in

this section contained shall operate to destroy, abridge or interfere with any existing rights held by other parties under grant, lease, license or otherwise, and that for any destruction or abridgment of or interference with such rights the Company shall be liable to pay compensation as provided in Section 8 of this Act.

Grant of the ply franchise.

2. The Company is hereby granted the exclusive Electrical sup-right and franchise for a period of fifty years from the date of the passing of this Act, in the settlements of Clarenville, Shoal Harbour, Milton and George's Brook and within a radius of ten miles from the Company's powerhouse on said Lake of the Woods Brook (hereinafter called the said area) to supply and sell electric energy for lighting streets and buildings, and for heating and power purposes, together with such rights and privileges as may be necessary and usual for the efficient and convenient attainment of the objects in this Section set forth: Provided that nothing herein shall prevent the owners or operators of any mine, factory, or other like industry from generating electric power for any of their own purposes and not for sale to the public, nor shall it prevent the use of self-contained electric lighting plants for church, school and domestic purposes, provided electricity is not sold from same to the public.

Right to use of

3. The Company shall have the right to open any highways, etc. public street or highway within the limits of the said area for the purpose of laying and maintaining electric conduits and cables and for the purpose of inserting and maintaining and to insert and maintain poles for supporting wires conveying electrical power, provided any street or highway so opened shall be restored to its former condition to the satisfaction of the public authority having control thereof, and in case of default such public authority may restore such street or highway and recover the cost thereof from the Company as a debt by civil process. 1933

- 4. No electrical transmission wires carried on poles Height of shall be strung less than eighteen feet above the ground. wires.
- 5. The Company shall have the right to instal and Private telephone approach a private telephone system between its power-house and its dams and other works connected with its water-supply system.
- 6. Whenever any losses, damages or injuries shall be Compensation caused by the Company, its officers, agents, servants or for damage. contractors in building, operating or maintaining works contemplated hereunder, to the property of any public authority or of any person, the Company shall be liable to make good the same, or in default thereof the Company may be sued, as for an ordinary tort, in any Court of competent jurisdiction in Newfoundland and the amount of such damages together with costs may be recovered against the Company in any such suit.
- 7. If the Company finds it necessary for the efficient Expropriation construction, maintenance and operation of its electric of lands. transmission or telephone system, or for any purposes connected therewith, the Company may, with the permission in writing of the Governor in Council enter upon and assume possession of and appropriate for any of the purposes mentioned in this Section any lands belonging to any persons or Corporations that may be necessary for the opening, construction, maintenance or operation of all or any of its works or for the erection of any buildings requisite for maintaining or operating the same, and may enter upon and remove therefrom any houses or buildings and other obstructions which may be upon such land, subject to its first paying compensation as hereinafter provided.
- 8. For the purpose of ascertaining the damage that Assessment may be occasioned to any person or Corporation whose tion. interest in any lands or tenements may be in any way af-

fected under the preceding section of this Act, the Company shall appoint one Arbitrator, the person interested in the said land another, and the two Arbitrators so appointed shall appoint a third; and in the event of the person so interested in the land failing so to appoint an arbitrator after seven clear days' notice so to do, then the said Company may apply to the Supreme Court or a Judge thereof, who shall, after due notice to the said person interested in the land, appoint such Arbitrator, and the Arbitrators so appointed by the Company and the Court or Judge, shall thereupon appoint a third Arbitrator, and if the said two Arbitrators shall refuse or neglect to appoint such third Arbitrator after seven clear days' notice from the Company so to do, the Supreme Court or Judge thereof shall, on the application of the Company, appoint such third arbitrator and the award of such arbitrators, or any two of them shall be final and binding on the parties.

Period for

9. The Company shall within one year from the pascommencement sing of this Act proceed with the construction of and completion works which may be necessary for the installation of plants for the generation of electric energy from the waters of the said Lake of the Woods Brook; and shall complete the said works, and put the same into operation within three years from the passing of this Act, failing which all rights, powers, privileges and advantages grantod to the Company by this Act shall cease and determine.

Exemption from taxes.

10. The electric light and power system operated and carried on by the Company under the provisions of this Act shall be exempted from all local and municipal taxes for the period of ten years from the date of the passing of this Act.

Franchises. etc., may be pledged or assigned.

11. The franchises, rights and privileges and each of them granted by and under this Act may be pledged or mortgaged by the Company under a trust deed or other

deed as security for the repayment of amounts obtained by the said Company by the issue of bonds or debentures of the said Company or to secure the repayment of loans obtained by the said Company or for any similar purposes, and the said franchises, rights and privileges and each of them may be asigned or transferred by the said Company to any person, firm or corporation carrying on business similar to that of the said Company.

- 12. Nothing in this Act shall make the Government cost of lightliable to pay and the Government shall not pay the costs ing of strets. of lighting any streets or public places in any settlement.
- 13. The rights of the Company to supply electric Rights not to energy shall cease to be exclusive as regards any settle-be exclusive if ment to which the Company shall not have given ade-vice not quate service of electric energy within five years of the given. passing of this Act, and after such service shall have been given, if the company fails, at any time, to give such adequate service continuously, during a period of twelve months, the company's exclusive right in supplying electric energy, as aforesaid, shall cease.
- 14. The Government may at any time after thirty Purchase of years from the passing of this Act purchase all the plant, plant, etc., by equipment, transmission system, and rights of the Company as a going concern upon giving to the Company twelve months' notice of its intention so to do; and, in case the Government shall decide to exercise the right reserved by this Section the value of the said going concern shall be ascertained by arbitrators appointed in the same manner as is provided in Section 8 hereof.
- 15. There shall be admitted into the Colony [at a Exemptions rate of duty not exceeding ten per centum ad valorem and from duty. free of tax under the Act 15 George V., Cap. 33 and amendments and of surtax under the Act 22, Geo. V. (2nd) Session) Cap. 41] the following articles for the original

construction of the Company's electrical and telephone systems hereunder and for any extensions thereof, provided that such extensions shall be constructed and put in operation within fifteen years from the date of the passing of this Act, but nothing new in substitution for old, that is to say:—

- (1) Turbines and other water driven motor devices and machinery and apparatus connected therewith.
- (2) Electrical generators and machinery and apparatus connected therewith, and switchboards for use in power stations.
- (3) Main switch-boards for telephone system and telephones.
- (4) Outside transmission wire, insulators and transformers and accessories for transmission lines, metal cross-arms for transmission poles, and other hardware for use in construction of pole-lines and telephone cable, underground or aerial.
- (5) Wire and insulators for telephone lines.
- (6) Douglas fir wood and steel bands for the construction of tubular flumes.
- (7) Reinforcing iron for ferro-concrete construction and cement in connection only with the Company's dams and power houses.

Provided that nothing herein shall exempt any article from duty if at the time of importation it shall be manufactured and available within this Colony nor shall exempt hand-tools of any description or articles in common use.

Jurisdiction of Public Utilities Commission

16. The operations of this Company shall come within the scope of the Public Utilities Commission.

Cap. 3

CAP. III.

AN ACT TO GRANT CERTAIN ADVANTAGES TO NORTH WEST PRODUCTS COMPANY, LIMITED.

(Passed July 7, 1933)

SECTION

1933

- 1.—Exclusive concession to to N.W. Products Co., Ltd.
- 2.—Definition of factory. 3.—Continuous operation;
- meaning of.

SECTION

- 4.—Exemption from duty.
- 5.__Maximum rate of duty.
- 7.—Liability of Company if exempted goods sold or transferred.

WHEREAS North West Products Company, Limited, has been incorporated under the laws of Newfoundland with the objects inter alia of carrying on the business of canners of fish and fishery products and of other produce;

AND WHEREAS the Company has established a factory at Piccadilly in the District of St. George's;

AND WHEREAS the Company proposes to engage also in the grinding of limestone for agricultural use;

AND WHEREAS the enterprises in which the Company is engaged are new industries which will provide labour for the people of that vicinity;

AND WHEREAS the Company has presented a Petition praying that legislation may be introduced whereby certain concessions and privileges may be granted to it:

AND WHEREAS it is deemed expedient to grant to the Company the concessions hereinafter contained and set forth;

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Exclusive concession to N.W. Products Co., Ltd.

- 1. During a period of ten years from the passing of this Act, and provided that the cannery or factory of North West Products Company, Limited, situate at Piccadilly in Port au Port Bay, continues in operation, no person or company shall establish within a radius of twenty statute miles from the said cannery or factory at Piccadilly any factory for the canning for sale of shell fish or cels; provided always
 - (a) that the words "shell fish" in this Section shall not include lobsters; and
 - (b) That this Section shall not prevent the taking by any person of shell fish or eels within the said radius for any purpose other than the purpose of canning for sale or other commercial purposes.

Definition of factory.

2. The factory referred to in this Act and from which the radius of twenty miles hereinbefore referred to is to be measured shall be the factory of the Company now existing at Piccadilly aforesaid consisting of a building measuring about forty-eight feet by twenty-five feet containing canning machinery.

Continuous operation; meaning of.

3. For the purposes of Section 1 of this Act the Company's canning factory shall be deemed to continue in operation so long as its total output of canned goods in any calendar year shall be not less than seven thousand five hundred for the first year and thereafter annually ten thousand cases of clams, scallops, mussels and oysters or other shell fish; and if in any calendar year such minimum quantity shall not have been put up, Section 1 of this Act shall cease to have effect on the 31st day of December in

such year; and for the purposes of this Section a case shall be a case of forty-eight seven ounce tins, or tins of any other number and size equivalent to the foregoing.

- 4. Machinery to be imported by the Company for the Exemption Company's own use for the grinding of limestone shall from duty. be admitted into the Dominion free of import duties and taxes; provided that this Section shall apply to machinery for the original construction or a further extension of the Company's plant, but not to new machinery imported in substitution for old or to machinery or material for repairs or eplacements.
- 5. Machiney to be imported into the Dominion by the Maximum rate Company for the installation of its own cold storage plant of duty. and fish meal plant shall be admitted into the Dominion upon the payment thereon of duty at a rate not exceeding fifteen per cent. ad valorem, and free of tax under the Act 15 Geo. V., Chapter 33 and amendments and of surtax under the Act 22 Geo. V. (2nd Session) Chapter 41; provided that this Section shall apply to machinery for the original construction or a further extension of the Company's plant, but not to new machinery imported in substitution for old or to machinery or material for repairs or replacements.
- 6. Cartons, labels, and burlap or brin sacks (printed with the Company's name, with or without other printed matter) imported into the Dominion by the Company during the term of ten years from the date of the passing of this Act, and to be used as containers for the products of the Company, not being manufactured in Newfoundland and purchaseable at prices equal to those at which the Company can import the same shall be admitted into the Dominion at a rate not exceeding 15 per cent net ad valorem.

7. Whenever anything imported for the use of the exempted goods sold or Company at a lesser rate of duty than prescribed in the transferred.

Revenue or other Acts: Act 15 Geo. V., Chap. 23 and amendments and of Surtax under Act 22 Geo. V. (2nd Session) Chapter 4, shall be sold or otherwise transferred to any other person or corporation it shall be the duty of the Company to notify the Customs Department forthwith of such sale, gift or transfer and to pay duty upon the goods or things upon the basis of the value at the time of sale, gift or transfer as determined under the Customs Acts and tariff at the time in force.

CAP. IV.

AN ACT FURTHER TO AMEND THE ACT 59, VICTORIA, CHAPTER 39, ENTITLED "AN ACT TO INCORPORATE A COMPANY UNDER THE STYLE AND TITLE OF THE ST. JOHN'S GAS LIGHT CO."

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. For a period of two years from the passing of this Act the Company shall have the right to import free of import duties and taxes the following classes of machinery for improving and extending the works of the company, namely:—all carbonization plant equipment, gas condensing and washing equipment, gas purification equipment, gas propelling and boosting equipment, gas plant recording and laboratory equipment, tar condensing and distillation equipment and coke processing and quenching equipment. And all pipe two inches in diameter and over, along with the necessary couplings and fittings for extending the main trunk pipe lines of the gas distribution system, but not for the conveying of steam.

CAP. V.

AN ACT TO ENCOURAGE AND ASSIST THE CON-STRUCTION AND OPERATION OF A DISTIL-LERY AT ST. JOHN'S.

(Passed July 7, 1933)

SECTION

- 1.—Right to import.
- 2.—15% duty.
- 3.—Duty free entry.
- 4.—Duty on bottles.

SECTION

- 5.—Restriction of Secs. 3
 - and 4.
- 6.—Export Tax.
- 7.—Deposit.
- 8.—Newfoundland workmen.

9.—Date of commencement.

WHEREAS the Continental Distilleries, Limited, of St. John's, Newfoundland, (hereinafter called "the Company'') has been registered as a Company with limited liability under the Companies' Act and has a nominal capital of Eight hundred thousand dollars.

AND WHEREAS the principal object of the Company is the construction and operation of a factory at St. John's for the manufacture of alcoholic liquors for export.

AND WHEREAS it is desirable in the interests of the trade and commerce of the Colony that the Company shall be encouraged and assisted in the establishment and operation of the said factory.

Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Right to import.

1. The Company shall have the right to import for the purpose only of manufacture and export alcoholic liquors for a period of twenty-five years from the date hereof.

- 2. All machinery and other materials necessary for 15% Duty. the original construction, equipment, installation and extension of the Company's plant or operations, but not in substitution of new for old, shall be admitted into the Colony for a period of 20 years from the date of the passing of this Act, at a rate of duty not to exceed fifteen per centum of the value of such materials (provided that materials hereby granted entry at a reduced rate shall be held not to include hardware tools or any other supplies of a similar nature or articles in common use).
- 3. All the materials and ingredients necessary to be Duty free used in the manufacture of alcoholic liquors or of the by-entry. products thereof, and contained in the schedule, shall be admitted free of duty during the period mentioned in paragraph one hereof.
- 4. The Company shall pay the rate of duty payable Duty on from time to time upon all bottles used in its operations bottles. but shall on export thereof be entitled to a refund of 98% of the said duty.
- 5. Where any of the articles mentioned in Sections 3 Restriction of and 4 hereof are produced in commercial quantities in Secs. 3 and 4. Newfoundland the Company shall purchase same locally.
- 6. The Company shall pay an export tax upon its Export Tax products at the time of application for an export entry of such products of fifty cents upon each case of twelve American quarts of thirty-two ounces each, or if in bulk, upon the equivalent of a case.
- 7. The Company shall, before the right to export Deposit. shall arise, deposit in the Bank of Nova Scotia, at St. John's, to the credit of the Minister of Finance and Customs on or before the expiration of ninety days from the date of the passing of this Act the sum of twenty-five thousand dollars, from which shall be deducted by the Minister the export tax or other taxes or duties payable

by the Company as and when the same shall become due and payable, until the said sum is exhausted.

Newfoundland workmen.

8. The Company shall in the conduct of its operations employ only Newfoundland workmen (except the present staff and technical or experienced assistants not obtainable in Newfoundland).

Date of commencement. 9. If the Company does not commence to operate its plant in a bona fide manner within six months from the date of the passing of this Act and continue to operate same for at least ten months in each succeeding calendar year or fail to deposit the said sum of twenty-five thousand dollars as provided in Section 7 of this Act, all rights and privileges hereby granted shall cease and determine.

SCHEDULE

- 1. Wheat, Oats, Barley, Rye, Corn, Malt, Molasses, Yeast, Sugar, Caramel or other Coloring material.
- Corks, Labels, Burlap, Duck, Bags, Paper Cartons, Wrappers, Carbon, Activated Carbon, Sulphuric Acid, Tartaric Acid, Tannic Acid, Disinfectant.
- 3. Aged Whiskey, Raw Whiskey, Aged Rum, Raw Rum, Aged Wine, Raw Wine, Aged Brandy, Raw Brandy, Aged Cognac, Raw Cognac, Aged Vermouth, Raw Vermouth, Aged Alcohol, Raw Alcohol.

And all other ingredients that may be required for the manufacture of the Company's products permitted under this Bill subject to the approval of the Governor in Council.

CAP. VI.

AN ACT TO AMEND THE ACT 21 GEORGE V., CHAPTER 6, ENTITLED "AN AUT IN RELA-TION TO AN AGREEMENT WITH GREAT LAKES NEWFOUNDLAND ATLANTIC COM-PANY, LIMITED."

(Passed July 7, 1933)

SECTION

1.—Amendment of Sec. 19 of 21 Geo. V. Chap. 6.

SECTION

2.—Act to be deemed to have continued in force.

WHEREAS the Act 21 George V., Chapter 6, entitled "An Act in Relation to an Agreement with Great-Lakes Newfoundland Atlantic Company, Limited," expired on the 30th day of June, 1932, in default of any Proclamation by His Excellency the Governor in Council under section 19 thereof.

AND WHEREAS it is expedient to afford the said Company a further opportunity of carrying out its enterprise.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 19 of the Act 21 George V., Chapter 6, Amendment entitled "An Act in Relation to an Agreement with of Sec. 19 Great-Lakes Newfoundland Atlantic Company, Limited, 'Chap. 6. shall be read as if instead of the words "before the 30th day of June, 1932," there appeared therein the words "before the 30th day of June, 1935."
- 2. The said Act shall be deemed to have continued in Act to be force notwithstanding that no Proclamation was made deemed to have continubringing the same into effect before June 30, 1932. ed in force.

CAP. VII.

AN ACT TO PROVIDE FOR THE GUARANTEEING OF A LOAN TO THE UNITED COLD STORAGE COMPANY, LIMITED.

(Passed July 7, 1933)

WHEREAS the United Cold Storage Company, Limited, have undertaken the erection and operation of a Cold Storage Plant at Burin for the purpose of supplying bait to the fishermen of the South West Coast, and for the said purpose are desirous of raising a loan of \$30,000.00.

AND WHEREAS it is desirable to assist the Company in raising the said loan for the purpose aforesaid.

- Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. It shall be lawful for the Governor in Council to guarantee a loan to be raised by the United Cold Storage Company, Limited, for the purpose of erecting a cold storage plant at Burin in a sum not exceeding \$30,000.00 at a rate of interest not exceeding five per centum per annum, for a period not exceeding fifteen years, and upon such other terms and conditions as the Governor in Council shall deem expedient.
- 2. The Governor in Council shall if such guarantee is given provide that the Company shall create a sinking fund sufficient to repay the said loan within the period of fifteen years.

CAP. VIII.

AN ACT TO AMEND THE ACT 22 GEORGE V., CHAPTER 13, ENTITLED "AN ACT RELATING TO THE MEMORIAL UNIVERSITY COLLEGE, ST. JOHN'S."

(Passed May 23, 1933)

SECTION

1.—Amendment of George V. Cap. 13.

SECTION

- 4.—College lands not to be taken for Municipal purposes.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Amendment of George V.

- 1. The following Section is hereby added to the Act Cap. 13. 22 George V., Chapter 13, entitled "An Act relating to the Memorial University College, St. John's."
 - 4. No provision of any Act from time to time in force relating to the municipal affairs of the College lands City of St. John's which permits the taking of taken for land either for streets or for any other purpose Municipal purposes. whatsoever, shall apply to the said land.

CAP, IX.

AN ACT RELATING TO THE NEWFOUNDLAND HOTEL

(Passed May 23, 1933)

SECTION

- 1 .- Newfoundland Hotel incorporated: Board, etc.
- 2.—Powers and Duties of Board.
- 3.__Hotel may sue and be sued.
- 4.—Financial year of the Hotel.
- 5.—Controller of Treasury to

SECTION

financial have general supervision.

- 6.-Manner of dealing with surpluses or deficits.
- 7.—Hotel to be deemed an inn-keeper.
- 8.—Sec. 4 of 22 Geo. V. Cap. 7 shall apply.

9. -Short Title.

WHEREAS the Newfoundland Hotel at St. John's. Newfoundland, has become the property of the Government:

AND WHEREAS it is desirable to make provision for the management thereof;

Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

- Newfoundland Hotel incorporated: Board, etc.
- 1. (1) The Governor in Council may appoint a Board to be known as the Newfoundland Hotel Board consisting of not less than three and not more than seven members, and the Governor in Council may appoint one of such members to be Chairman of the said Board and another to be Vice-Chairman.
 - (2) The Board shall be a body corporate under the name of the Newfoundland Hotel and shall have a Common Seal to be prescribed by the

- Governor-in-Council, and shall be capable of suing and being sued in its corporate name.
- (3) The Board shall hold office during pleasure.
- (4) A majority of the said Board shall be a quorum.
- (5) Upon a vacancy occurring in the said Board, the Governor-in-Council may appoint a new member to fill such vacancy.
- (6) The existence of a vacancy or vacancies shall not impair the powers of the Board.
- 2. The Board shall subject to the provisions of Sec-Powers and tion 5 hereof have and possess the following powers, Board.
 - (1) To control, manage, maintain and operate the Newfoundland Hotel;
 - (2) To make and enter into contracts concerning the business of the Hotel in the name of the Board; provided however that the Board shall not have power to sell, transfer or lease the Hotel or any Department or Branch thereof or any of the property thereof movable or immovable, or to sell any of the fixtures, fittings or equipment of the Hotel without the consent of the Governor-in-Council;
 - (3) To acquire such goods and chattels as may be necessary for the equipment or operation of the Hotel.
 - (4) To appoint all such officers or servants as it may deem necessary for the proper management and operation of the Hotel, and to fix

their salaries, and to dismiss such officers or servants at pleasure.

- (5) To fix and determine the rates to be charged to persons making use of the Hotel.
- (6) To do all other business which is customarily carried on by Hotel Companies in connection with the operation of hotels.

Hotel may sue and be sued. 3. Actions, suits or other proceedings in respect of its undertaking or in respect of the operation or management of the Hotel may be brought in the name of the Newfoundland Hotel without a fiat in any court of competent jurisdiction, and actions, suits or other proceedings against the Newfoundland Hotel may be brought against it in its corporate name without notice, and the Newfoundland Hotel shall be liable in tort as well as in con-

Financial year 4. The financial year of the Hotel shall be from the of the Hotel first of July in any one year to the thirtieth of June in the next year.

Controller of Treasury to have general financial supervision. tract.

5. The Controller of the Treasury shall have general supervision of the financial management of the Hotel, and in particular, without prejudice to the generality of the foregoing, no material increase in the expenses of management shall be made without his consent. He shall be furnished with all accounts and statements which he may from time to time require.

Manner of dealing with surpluses or deficits. 6. Expenses incurred in connection with the operation or management of the Hotel shall be paid out of the revenue of the Hotel. In the event of a deficit occurring at any time during any fiscal year the amount of such deficit shall from time to time be payable by the Minister of Finance out of the Consolidated Revenue Fund, the

amount paid by the Minister under this section to be included in Additional Estimates submitted to the Legislature at its first Session after such deficit shall have been paid. A surplus at the close of any financial year, the retention of which in the opinion of the Controller of the Treasury is not necessary for the future operation of the Hotel, shall be paid into the Consolidated Revenue Fund.

- 7. For the purposes of any actions, suits or proceed-Hotel to be ings at law, the Newfoundland Hotel shall be deemed to deemed an innbe an inn-keeper and shall have all the rights and shall be subject to all the liabilities belonging by law to inn-keepers.
- 8. Section 4 of the Act 22, George V., Chapter 7, Sec. 4 of 22 shall apply to the Hotel, as if the same had been purchased Geo. V. Cap. 7 ed by a person or corporation other than the Crown.
- 9. This Act may be cited as the Newfoundland Hotel Short Title. Act, 1933.

CAP. X.

AN ACT TO AMEND THE ACT 20 GEORGE V., CHAPTER 9, ENTITLED, "AN ACT TO PROVIDE FOR THE CREATION OF A PUBLIC UTILITIES COMMISSION AND FOR THE INVESTIGATION OF PRICES AND RATES CHARGED TO THE PUBLIC."

(Passed July 7, 1933)

SECTION
1.—Amendment of Act 20
Geo. V. Cap. 9

SECTION
11 (1)—Fixing of maximum votes and prices.
12.—Short Title.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Amendment of 1. The Act 20 George V., Chapter 9, entitled "An Act 20 Geo. V. Act to Provide for the Creation of a Public Utilities Commission and for the Investigation of Prices and Rates charged to the Public," is hereby amended by adding thereto the following sections:—

Fixing of maximum votes and prices.

11. (1) The Commission may, after formal investigation and after hearing all persons who ought to be heard, both on behalf of persons or corporations supplying or transmitting to the public a service of telephones or telegraphs, or electric light, or electric power, or transportation by sea or land; or selling or distributing coal or fishery salt, or granting insurance against fire, and on behalf of the public, including the Minister of Justice, or the Deputy Minister of Justice, if either of them shall desire to be heard on behalf

of the public, make, subject to the approval of the Governor in Council, rules, regulations or orders:

- (a) Fixing fair and reasonable maximum tolls, rates, fares, premiums or other charges to be taken or made by persons or corporations supplying or transmitting to the public a service of telephones or telegraphs, or electric light, or electric power, or transportation by sea or land, or granting insurance against fire;
- (b) Fixing fair and reasonable maximum prices to be charged to the public for, and for the distribution and supply of coal or fishery salt.

And may from time to time in the same manner alter, amend, vary or annul any such rule, regulation or order.

- (2) Every such rule, regulation or order may embody such provision as to persons, places, times and modes, as may be deemed necessary to meet various or varying conditions.
- (3) Every such rule, regulation or order shall fix a time, not less than two weeks after the date such rule, regulation or order is made, from which the same shall take effect, and shall be published in the Newfoundland Gazette.
- (4) From and after the date on which any such rule, regulation or order shall come into effect, no corporation or person shall charge or take any toll, rate, fare, premium or price greater than the rate thereby fixed; and no

toll, rate, fare, premium, or price shall be recoverable at law beyond the rate so fixed, any contract heretofore or hereafter made to the contrary notwithstanding.

(5) The Board may by its Chairman or by any other member deputed by the Board for that purpose, apply by petition to the Supreme Court for an injunction against any corporation or person who or which has disobeyed, is disobeying or is supposed to be about to disobey such rule or order; and such petition shall be served upon the corporation or person, who shall appear and answer within ten days or such further time as may be allowed by the Court; and the proceedings thereafter shall be governed by the Judicature Act; and the same consequences shall follow upon the breach of any such injunction as upon breach of any other injunction of the Court.

Short Title

12. This Act and the Act 20 George V. Chapter 9, may be cited together as "The Public Utilities Commission Acts, 1929-33."

CAP. XI.

AN ACT FURTHER TO AMEND "THE TOURIST COMMISSION ACT, 1927"

(Passed May 23, 1933)

SECTION-

 Repeal of Amendments to Sec. 1 of Tourist Commission Act, 1927.

SECTION-

- 2.—Term of office of present Commission.
- 3.—Repeal of obsolete enactments.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 1 of the Act 21 George V., Chapter 8, en-Repeal of titled "An Act to Amend the Tourist Commission Act, Amendments 1927," is hereby repealed, and Section 1 of the Tourist Tourist Com-Commission Act, 1927, is hereby revived and shall stand mission Act, as originally enacted.
- 2. The present Commission appointed on the twenty-Term of office sixth day of July, 1932, shall continue in office until the of present thirty-first day of December, 1934, and the new Commis-Commission. sion to be appointed thereafter shall hold office for two years from the first of January, 1935, in accordance with the terms of Section 1 of the said Act.
- 3. The Act 20 George V., Chapter 5, entitled "An Repeal of Act to Amend The Tourist Commission Act, 1927," and obsolete ensections 2 and 3 of the Act 21 George V., Chapter 8, entitled "An Act to Amend the Tourist Commission Act, 1927," are hereby repealed.

CAP. XII

AN ACT IN RELATION TO A SHOOTING RANGE AT ST. JOHN'S

(Passed July 7, 1933)

WHEREAS in the year 1858 there was granted to Colonel Robert Law, an Officer of one of His Majesty's Regiments ,the land described in the Schedule hereto;

AND WHEREAS owing to the destruction of records by fire no copy of the original grant remains, but it is believed that the said grant was made to Colonel Robert Law for the purposes of a military shooting range, and plans of the same were until recently in the possession of the officer in charge of works at the Military Station at Halifax, Nova Scotia;

AND WHEREAS the said lands have been used as a shooting range by His Majesty's Forces, and by Rifle Clubs since 1865, or earlier;

AND WHEREAS it is desirable to preserve the said land for the said purposes;

- Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. The grant dated June 24, 1858, to Colonel Robert Law is hereby cancelled, and the land described in the Schedule is hereby declared to be Crown land, and is hereby set aside and reserved in perpetuity for the purpose of a shooting range for the use of His Majesty's naval, mili-

tary and civil forces, and of such rifle clubs and lads' brigades as may from time to time by leave of the Minister in charge of such land use the same.

- 2. The said land is hereby withdrawn from the operation of the Crown Lands Acts, and no title to the same as against the Crown shall hereafter be capable of being acquired by any person whether by grant (save as hereinafter mentioned), prescription or otherwise.
- 3. If at any future time the said original grant shall be discovered and if it shall appear that the said Colonel Robert Law had any personal right to or interest in the said land, and if any successor in title of the said Colonel Robert Law shall establish the aforesaid facts, it shall be lawful for the Governor-in-Council to issue a fresh grant to such successor or successors in title.

SCHEDULE

Description of Land Above Referred to as Gathered From Date on Copy of Plan Furnished by Officer in Charge of Works Halifax, N.S., June 9th, 1904

Beginning at a point on the North side of the Irwin Road four chains and twenty links from its junction with the Long Pond Road thence N. 72° W. 4 chains 20 links to said Long Pond Road, thence crossing said road by a distance of 50 links, and at a point on the West side of same Road, 2 chains Northward from the aforesaid crossing, and following along the North boundary of the land of one Cahill in a general direction of N. 82° W. ten chains, to land of James Dwyer, thence by land of said Dwyer and by land of James Weir N. 22° 30′ W. 11 chains 20 links, and by land of Weir N. 51° W. 9 chains 60 links and S. 84° W. 16 chains 10 links, and by other lands N. 17° W. 1 chain 70 links, N. 84° E. 13 chains 70 links, N. 12° E. 4

Cap. 12

chains and 80 links, N. 64° E. 5 chains 60 links and S, 2° E. 6 chains and 70 links part of which is by land of Kelly, thence by land by Kelly S. 43° E, chain 80 links and N. 83° E. 8 chains 50 links, thence S. 9° E. by lands of Kelly and Ryan, 5 chains 30 links, thence by land of Ryan S. 46° E. 3 chains 10 links and S. 48° E. 14 chains 65 links to point of commencement.

CAP. XIII.

AN ACT TO AMEND THE ST. JOHN'S MUNICIPAL ACTS, 1921-31

(Passed July 7, 1933)

SECTION

- 1.—Amendment of Section 17 re election.
- 2.—Amendment of Sec. 90. 3.—Amendment of Sec. 132;
- paving.
 3.—Amendment of Sec. 150;
 control of animals.
- 4.—Amendment of Sec. 213; re city tax.
- 6.—Amendment of Sec. 218; re city tax.

SECTION

- 7.—Amendment of Sec. 221 and 222; re vacant lands tax.
- 8.—Amendment of Secs. 254, 255 and 256; re entertainment tax.
- 9.—Amendment of Sec. 257; re peddlers and hawkers.
- Provisions regarding certain sections converted into By-laws.
- 11.—Interpretation.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

- 1. Section 17 of the Principal Act is hereby amended by striking out therefrom the words from "provided that", Sec. 17; re to the end thereof.
- 2. Section 90 of the Principal Act is hereby amended Amendment of by striking out therefrom the word "minimum." Sec. 90.
- 3. Section 132 of the Principal Act is hereby amend-Amendment of ed by adding at the end thereof the following proviso, Sec. 132; pavnamely:—

"Provided, however, that the cost of paving that "part of the street situated at the intersection of "two streets, and common to both, shall be borne "wholly by the City, together with the cost of lay-"ing the curb and gutter at such portions of the

"sidewalks as are wholly chargeable to the City under Section 130 of this Act."

Amendment of 4. Section 150 of the Principal Act is hereby amendSec. 150; control of animals.

4. Section 150 of the Principal Act is hereby amended by striking out from Clause (h) thereof the words "in
any of the streets of the City" and substituting therefor
the words "in any street or park of the City, including
Bowring Park" and adding at the end thereof the words
"and for compensation for any damage done by such animals to property of the City,"

Amendment of 5. Section 213 of the Principal Act is hereby amended. Sec. 213; recity tax.

of by striking out the proviso at the end thereof commencing with the words "Provided, however."

Amendment Sec. 218; recity tax.

of 6. Section 218 of the Principal Act as amended by the Act 22 George V. (1932) Chapter 9 is hereby further amended by striking out the words "such" in the first line thereof, and by striking out the words "as defined in the last preceding section" in the second sentence thereof and substituting therefor the words "as distingushed from such intermediate tenant."

Amendment of 7. Sections 221 and 222 of the Principal Act are hereSec. 221 and
222; re vacant by amended by inserting in each of the said sections after
the words "upon which no buildings or erections have
been constructed" the words "or the buildings or erections
upon which are in the opinion of the Council unfit for repair."

Amendment of 8. Sections 254, 255 and 256 of the Principal Act are Secs. 254, 255 hereby repealed and the following are substituted thereand 256; re entertainment tax.

254 (1) The Council shall have power to impose a tax to be known as the Entertainment Tax, upon all theatrical, musical, cinematograph, dancing, pantomime, athletic, circus or other

- kind of public performances, exhibitions or entertainments, including indoor skating and hockey, conducted within the City limits.
- (2) The Entertainment Tax may be imposed either directly upon the persons or companies responsible for the management of any such entertainments or upon the payments made for admission thereto, and may in either case be collected at such times in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by ticket to be procured from the Council by the persons or companies responsible for the management thereof.
- (3 The rate of the Entertainment Tax may be fixed from time to time by the Council, and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.
- 255. Whenever it is shown to the satisfaction of the Council that the profits of any entertainment are to be applied to the relief of poverty, the advancement of education, or the promotion of religion, the Entertainment Tax shall not be levied on such performance; and the Council may in its discretion waive the tax in the case of athletic games and artistic, scientific or educational exhibitions or entertainments on proof that the profits thereof are to be applied to the promotion of athletics, art, science or education, and

not to the private gain of any person or company.

256. Any person authorized by the Council for the purpose in writing under the hand of the City Clerk shall on production of his authority be admitted gratis to any place of entertainment while the entertainment is proceeding, and to any place ordinarily used as a place of entertainment at all reasonable times, with a view of seeing whether the provisions of any regulations made with regard to Entertainment Tax are being complied with; and any person who prevents or obstructs the entry of any person so authorized shall be guilty of an offence under this Act.

Amendment of 9. Section 257 of the Principal Act is hereby amend-Sec. 257; re peddlers and hawkers. ed by adding at the end of sub-clause (a) thereof the words following, that is to say:

and "Peddler and Hawker" shall mean any person who within the City limits goes from place to place or to other men's houses carrying to sell or exposing for sale any goods, wares or merchandise of any description ejusdem generis or otherwise, or exposing samples or patterns of any such goods, wares or merchandise to be afterwards delivered, but shall not include any person selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, and who buy to sell again, nor any person selling or exposing for sale goods, or merchandise in any public mart, market, or fair legally established.

Provisions regarding certain sections converted into By-laws.

10. In amending former sections 365, 366 and 372 of the Principal Act, which were converted into By-laws by Section 3 of the Act 22 George V. (1931) Chapter 9, the Council shall have power to extend the scope thereof so as to apply also to buildings other than dwellings.

11. In this Act the expression "The Principal Act" Interpretation. means the St. John's Municipal Acts 1921-1931."

CAP. XIV.

AN ACT IN RELATION TO THE RATIFICATION OF A GUARANTEE OF CERTAIN BORROWINGS BY THE ST. JOHN'S MUNICIPAL COUNCIL.

(Passed July 7, 1933)

SECTION 1.—Confirmation of Agreements.

First Schedule.

Second Schedule.

Re it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Confirmation of Agreements.

1. The Agreement dated the 2nd day of August, A.D. 1932, between the City of St. John's of the first part, His Excellency Sir John Middleton, K.C.M.G., K.B.E., Governor and Commander in Chief in and over the Colony of Newfoundland and its Depedencies in Council of the second part, and the Bank of Montreal, the Bank of Nova Scotia, the Royal Bank of Canada, and the Canadian Bank of Commerce of the third part, being the First Schedule hereto, as modified by the further Agreement dated the 2nd day of November, A.D. 1932, and made between the same parties, being the Second Schedule hereto, is hereby, in so far as it affects the Governor in Council, approved and confirmed; and it is hereby declared that the Dominion shall be and is bound to the guarantee of principal and interest set forth in the said first mentioned Agreement, and to the payment over to some one Bank, nominated by the Banks, parties to the said Agreements, of one-half of such sums as may become due to the St. John's Municipal Council under Section 280 of the St. John's Municapal Act, 1921, until such time as the whole of the principal and interest of the loan referred to in the said Agreements shall have been paid off.

FIRST SCHEDULE

J. MIDDLETON, Governor.

H. A. WINTER, (Acting)

THIS AGREEMENT made at St. John's in the Island of Newfoundland this second day of August in the Year of Our Lord One Thousand Nine Hundred and Thirty-two BE-TWEEN the City of St. John's (hereinafter called "The City") of the one part; His Excellency II. M. Attorney General Sir John Middleton, K.C.M.G., K.B.E., Governor and Commander in Chief in and over the Colony of Newfoundland and its Dependencies in Council (hereinafter called "The Government' of the second part; AND the Bank of Montreal, the Bank of Nova Scotia, the Royal Bank of Canada, and the Canadian Bank of Commerce (hereinafter called "The Banks" of the third part:

WHEREAS the City has been indebted on a Special Loan (Civic Improvement) Account to the Royal Bank of Canada, which indebtedness has now been reduced to the sum of One Hundred and Thirty-four Thousand, Six Hundred and Eighty-two Dollars and Thirty-six Cents (\$134,682.36) by the sale of City Bonds to the par value of Ten Thousand, Three Hundred Dollars (\$10,300.00);

AND WHEREAS the City has given to the said Royal Bank of Canada an Interim Bond (to be replaced in due course by Definitine Bonds) to the par value of Two Hundred and Fifty Thousand Dollars (\$250,000.00) as collateral security for its said original indebtedness together with interest thereon;

AND WHEREAS the Royal Bank of Canada has agreed to release and surrender bonds to the par value of Ten Thousand Three Hundred Dollars (\$10,300) when the Definitine Bonds are issued and delivered to the said Royal Bank of Canada in order that the City may deliver the same to the respective purchasers thereof AND whereas the Council is desirous of raising a further loan from the Banks for improvement of Streets in the said City amounting to the sum of One Hundred Thousand Dollars (\$100,000.00).

AND WHEREAS the Government has agreed to guarantee the repayment by the City of the said sum of One Hundred Thousand Dollars (\$100,000.00) together with interest thereon at the rate of Six Dollars per centum per annum.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and in further consideration of the sum of One Hundred Thousand Dollars (\$100,-000,00) paid to the City by the Banks in the following proportion, namely: the Bank of Montreal Fifty Thousand Dollars (\$50,000.00); the Bank of Nova Scotia Twenty-five Thousand Dollars (\$25,000.00), the Royal Bank of Canada Twenty Thousand Dollars \$20,000.00), and the Canadian Bank of Commerce Five Thousand Dollars (\$5,000.00), the City and the Government Do and each of them hereb DOTH covenant with the Banks to pay each Bank on demand the above respective amounts advanced by each Bank and in the meantime and also so long as all or any portion of the said amounts remain unpaid to pay to the said Banks interest thereon after the rate of Six Dollars per centum per annum AND for the consideration aforesaid the City

> (a) Will execute four demand notes in favour of the said Banks for the respective amounts advanced by each Bank.

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- (b) Will deliver and hypothecate to the Royal Bank of Canada additional City Bonds (which may be Interim Bonds to be replaced in due course by Definitine Bonds) of the par value of Two Hundred and Fifty Thousand Dollars (\$250,000.00) TO HOLD the entire Five Hundred Thousand Dollars (\$500,000.00) in Bonds (less Bonds to be released and surrendered as aforesaid) for itself and the other said Banks as collateral security for the repayment of the said advance of One Hundred Thousand Dollars (\$100,000) subject to its own prior claim for One Hundred and Thirty-four Thousand, Six Hundred and Eighty-two Dollars and Thirty-six Cents (\$134,682.36) as aforesaid.
- (c) Will use every endeavour to sell the said Bonds at the earliest possible moment and will pay the proceeds of said sale forthwith into the Royal Bank of Canada to be applied by the said Bank in the following priorities, in satisfying:-
 - (1) The said indebtedness to the Royal Bank of Canada of One Hundred and Thirty-four Thousand, Six Hundred and Eighty-two Dollars and Thirty-six Cents (\$134,682.36) and interest thereon and
 - (2) The said loans amounting in the aggregate to One Hundred Thousand Dollars (\$100,-000.00) and interest thereon due to the said respective Banks proportionately to the amount advanced by each Bank.
- (d) Will pay to the Warren Bituminous Paving Company, Limited, the proceeds of the said Loan of One Hundred Thousand Dollars on account of its indebtedness to the said Com-

pany, and enter into a Contract with the said Warren Bituminous Paving Company, Limited, for the construction on Water Street, West, from Hutchings Street to the Cross Roads of a good asphalt paving with concrete base and concrete sidewalks all similar to those recently constructed on Duckworth Street and New Gower Street, the excavation for the said work to be done by hand labour and not by mechanical apparatus.

AND WHEREAS the said Bonds given as security as aforesaid were issued by the St. John's Municipal Council under the provisions of the St. John's Municipal (Loan) Act, 1932, and of all other powers, if any, it thereunto enabling, and the said Council is empowered under the provisions of the said Act to charge the assets and revenue of the City;

AND WHEREAS the parties hereto have agreed that the City will by way of further collateral security assign and set over, to the Banks certain revenues to be applied to the payment off of the said Loan and the release of the said Bonds;

NOW THEREFORE THIS AGREEMENT FURTHER WITNESSETH that the City DOTH hereby assign, transfer and set over unto the said Banks all sums of money due or to become due to the said Council by the Government under Section 280 of the St. John's Municipal Act, 1921, AND the Government hereby undertakes that as and when from time to time the said moneys due of the said Council under Section 280 of the St. John's Municipal Act, 1921, become payable to the said Council the Government will pay the same to some one Bank nominated by the Banks to be held as collateral security and to be applied by the Banks at their option in reduction of the indebtedness of the City in respect of the said Loan

of One Hundred Thousand Dollars (\$100,000.00) and subject thereto to be returned to the Government.

AND the Government hereby covenants if so requested to procure the ratification of this Agreement by Statute at the next Session of the Legislature.

IN WITNESS WHEREOF the St. John's Municipal Council has caused the Seal of the City to be hereto affixed and His Excellency the Governor in Council has caused the Great Seal of the Island of Newfoundland to be set hereto and has signed these presents the day and year first before written.

Approved The Seal of the City was hereunto
J. GORDON MUIR affixed in the presence of:
For the ANDREW CARNELL,
City Solicitor Acting Mayor.

(Seal)

J. MAHONY, City Clerk.

By His Excellency's Command,
J. C. PUDDESTER,
Secretary of State.

SECOND .SCHEDULE

[Seal]
(Sgd.)

J. MIDDLETON,
Governor.

THIS AGREEMENT made at St. John's in the Island of Newfoundland this second day of November in the Year of Our Lord One Thousand Nine Hundred and Thirty-two BETWEEN the City of St. John's (hereinafter called "The City")

(Sgd.)
L. E. EMERSON,
Minister of Justice.

of the one part, His Excellency Sir John Middleton, K.C.M.G., K.B.E., Governor and Commander in Chief in and over the Island of Newfoundland and its Dependencies in Council (hereinafter called "The Government" of the second part; AND the Bank of Montreal, the Bank of Nova Scotia, the Royal Bank of Canada, and the Canadian Bank of Commerce (hereinafter called "The Banks") of the third part:

WHEREAS by an Agreement dated the 2nd day of August, A.D. 1932 and made between the City and the Government and the Banks, to which the present Agreement is supplementary, it was provided inter alia as follows:—-

"The City DOTH hereby assign, transfer and set over unto the said Banks all sums of money due or to become due to the said Council by the Government under Section 280 of the St. John's Municipal Act, 1921, AND the Government hereby undertakes that as and when from time to time the said moneys due to the said Council under Section 280 of the St. John's Municipal Act, 1921, become payable to the said Council, the Government will pay the same to some one Bank nominated by the Banks to be held as collateral security and to be applied by the Banks at their option in reduction of the indebtedness of the City in respect of the said Loan of One Hundred Thousand Dollars (\$100,000.00) and subject thereto to be returned to the Government."

AND WHEREAS it has been agreed between the City and the Government and the Banks that the said Agreement of August 2nd, 1932, shall stand modified as hereinafter provided;

NOW THEREFORE IT IS AGREED that the said Agreement of August 2nd, 1932, shall be read as if, instead of the words hereinbefore quoted, there had stood in the said Agreement ab initio the following words:

"The City DOTH hereby assign, transfer and set over unto the said Banks one-half of all sums of money due or to become due to the said Council by the Government under Section 280 of the St. John's Municipal Act, 1921, AND the Government hereby undertakes that as and when from time to time the said moneys due to the said Council under Section 280 of the St. John's Municpial Act, 1921, become payable to the said Council the Government will pay over one-half of the same to some one Bank nominated by the Banks to be held as collateral security and to be applied by the Banks at their option in reduction of the indebtedness of the City in respect of the said Loan of One Hundred Thousand Dollars (\$100,-000.00) and subject thereto to be returned to the Government."

AND with the Modification hereinbefore contained the said Agreement of August 2nd, 1932, is hereby ratified and confirmed.

IN WITNESS WHEREOF the St. John's Municipal Council has caused the Seal of the City to be hereunto affixed and His Excellency the Governor in Council has caused the Great Seal of the Island of Newfoundland to be set hereto and has signed these presents, the day and year first above written, and the same have been executed by the Banks.

The Seal of the City of St. John's was hereto affixed in the presence of:

> ANDREW CARNELL, (Sgd.) Acting Mayor. (Sgd.) J. MAHONEY, City Clerk.

By His Excellency's Command,

(Sgd.) J. C. PUDDESTER,

Secretary of State.

The Common Seal of the Bank of Montreal was hereto affixed in the presence of: (Sgd.) C. D. HART.

For Bank of Montreal, St. John's, Newfoundland. (Sgd.) A. A. WERLICH, Manager.

The Common Seal of the Bank of Nova Scotia was hereto affixed in the presence of (Sgd.) A. R. RENDELL

For the Bank of Nova Scotia, St. John's, Nfld. (Sgd.) J. A. YOUNG, Manager.

The Common Seal of the Royal Bank of Canada was hereto affixed in the presence of:

For the Royal Bank of Canada, St. John's, Nfld. (Sgd.) J. W. CAMERON, Manager.

(Sgd) I. N. McLEAN.

For the Canadian Bank of Commerce, St. John's, Nfld. (Sgd.) G. A. TAYLOR,

The Common Seal of the Canadian Bank of Commerce was hereto affixed in the presence of: (Sgd.) E. HEATER.

Manager.

CAP. XV.

AN ACT RELATING TO AN ELECTION IN THE DIS-TRICT OF PORT DE GRAVE IN THE PRESENT YEAR.

(Passed May 1, 1933)

SECTION 1 .- Validation of Election in Port de Grave, March, 1933.

Whereas an election of a member to the House of Assembly was held in the District of Port de Grave on the 21st day of March, 1933.

And whereas lists of electors were not taken for the purpose of the said election, but there were used the lists of electors prepared under the authority of the Act 22 George V., (Second Session), Cap. 8, for the purposes of a general election held in June, 1932.

And whereas the polling booths were kept open until 10 o'clock p.m. instead of 4 o'clock.

And whereas doubts may arise as to whether the use of the said lists prepared for the said general election and the keeping open of booths until 10 o'clock p.m. was lawful.

Be it therefore enacted by the Governor, the Legislative Council and House of Assembly, in legislative session convened, as follows:

1. The use at the election held in the District of Port Validation of de Grave on March 21, 1933, of the lists prepared, by vir-Election in tue of the Act 22 George V., Cap. 8, for use at the general Port de Grave, election held in June 1932, and the keeping open of booths until 10 o'clock p.m., shall be deemed to have been lawful; and the election of Ernest Gear, Esquire, at the said elec-

March, 1933.

Cap. 15

tion for the District of Port de Grave, and his right to take his seat in the House of Assembly, shall not be subject to challenge by reason only that new lists of electors were not prepared for use at the said election, or that booths were kept open until 10 o'clock, p.m.

CAP. XVI.

AN ACT TO AMEND THE ACT 22 GEORGE V. (1ST SESSION) CAP. 11, ENTITLED "AN ACT RE-LATING TO THE KEEPING OF DOGS."

(Passed May 23, 1933)

SECTION 1.-Amendment of Section 29, 22 George V., Cap. 11. SECTION 2.—Retroactive effect Amendment.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 29 of the Act 22 George V. (1st Session) Cap. 11, entitled "Of the Keeping of Dogs" is hereby re-Section 29, 22 George V., pealed and the following substituted therefor: Cap. 11.
 - 29. The following Acts are hereby repealed:— Chapter 143 of the Consolidated Statutes (Third Series).

8 George V., Cap. 27.

8 and 9 George V., Cap. 8.

9 and 10 George V., Cap. 29.

11 George V., Cap. 23.

19 George V., Cap. 3.

2. The said Act shall be read as if Section 29 as above amended had appeared in the Act at the time of the pass-effect of ing thereof.

amendment.

- 3. (1) The said Act shall apply to Labrador.
 - (2) A petition from any area in Labrador may be signed by any residents who, in the opinion of the Magistrate or Justice certifying the petition, would be entitled to vote if there were electoral districts in Labrador.

- (3) In the absence of a Stipendiary Magistrate a petition from an area in Labrador may be certified by any Justice of the Peace thereto authorized in writing or by telegraph by the Minister of Justice.
- (4) Any other function which under the said Act is to be performed by a Stipendiary Magistrate may in Labrador in the absence of such a Magistrate be performed by a Justice of the Peace thereto authorized in writing or by telegraph by the Minister of Justice.

CAP. XVII.

AN ACT TO AMEND THE ACT 22 GEORGE V., CHAPTER 12 (THE HEALTH AND PUBLIC WELFARE ACT, 1931).

(Passed July 7, 1933)

SECTION

- Membership of Bureau.
 Management of certain Public Institutions.
 - (2) Appointment of Staff, etc.
- 3.—Amendment of Sec. 14. 4.—Amendment of Sec. 423; logging camps.

5.__Repeal.

- 6.—Amendment of Sec. 427. 7.—Admission to Insane
- Asylums; certificates.
 8.—Certificates where only one medical practitioner available.

SECTION

- 9.—Amendment of Sec. 638; bonds in bastardy cases.
- 10.—Amendment of Sec. 639; bonds in bastardy cases.
- 11.—Amendment of Sec. 644; bonds in bastardy cases.
- 12.—Amendment of Sec. 654; release of persons for bastardy when bonds found.
- 13.—Amendment of Sec. 658; procedure in bastardy appeals.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1.—Section 5 of the Health and Public Welfare Act, Membership 1931, is hereby repealed and the following substituted of Bureau. therefor:
 - 5. The said Bureau shall consist of the following:
 - (1) The Secretary of State.
 - (2) The Minister of Justice.
 - (3) The Minister of Public Works.
 - (4) The Controller of the Treasury.
 - (5) A Secretary of Public Health, who shall be a registered medical practitioner of at least ten years' standing, and shall be appointed by the Governor in Council,

(6) A Commissioner of Public Welfare who shall be appointed by the Governor in Council.

The Secretary of State shall be Chairman of the said Bureau, and the Secretary of Public Health shall be Secretary thereof.

Management of certrain public institutions.

2. Section 8 of the said Act is hereby amended by striking out sub-sections (1) and (2) and substituting therefor the following:

- (1) The business and financial control and management of, including the purchase of all supplies and equipment for the following public institutions, viz:—
 - (a) The General Hospital.
 - (b) The Fever Hospital.
 - (c) The Tuberculosis Sanitarium.
 - (d) The Hospital for Nervous and Mental Diseases.
 - (e) The Home for the Aged and Infirm.
 - (f) The Newfoundland Infirmary at present established in the Home for the Aged and Infirm.
 - (g) The Penitentiary situate in St. John's and such other places of detention as the Governor in Council may from time to time designate, and any other public institutions for the care and supervision of

delinquents or misdemeanants; of all of which the Minister of Justice shall have the disciplinary control.

(h) Such other public institutions for the care and supervision of the sick, insane, epileptics, feeble-minded, destitute and dependent as may from time to time be erected or created.

save that repairs and maintenance of the buildings themselves and the supply of dry goods, furniture, fuel and food supplies shall be dealt with by the Business Manager hereinafter referred to under the authority of the Minister of Public Works.

- (2) The appointment of subordinate staff and Appointment their supervision and control; except in the of staff, etc. case of the Penitentiary and all other places of detention or institutions for the care of delinquents or misdemeanants, the staff of which except engineers, firemen and storekeepers shall be appointed by the Minister of Justice; and save in the case of engineers, firemen and storekeepers, who shall in all institutions be appointed by and be under the supervision and management of the Minister of Public Works and under the disciplinary control of the Superintendents of the respective institutions and may be at any time summarily suspended from duty and pay by the respective Superintendents , such suspension being forthwith reported to the Minister of Justice or the Minister of Public Works, as the case may be.
- 3. Section 14 of the said Act is hereby amended by Amendment of striking out the words "and Chairman of the Board of Sec. 14.

 Pensions Commissioners for the Colony."

Amendment of Sec. 423; logging camps.

- 4. Section 423 of the said Act is hereby amended:—
 - (1) by striking out sub-section (d) and substituting therefor the following:—
 - (d) be provided in the case of mining Camps with bunks for the accommodation of one man for each bunk and in the case of logging Camps with bunks for the accommodation either of one or two men, such bunks being provided with mattresses.
 - (2) by striking out sub-section (e).
 - (3) by striking out sub-section (h) and substituting therefor the following:
 - (h) Be kept in a clean and sanitary condition, some particular employee or employees of the contractor being made responsible therefor.

Repeal.

5. Section 424 of the said Act is hereby repealed.

Amendment of Sec. 427.

6. Section 427 of the said Act is hereby amended by added thereto the following words: "In particular and without prejudice to the generality of the foregoing they shall require every man taken into their employment at any such camp to be examined by a medical practitioner either at or before the time of his being employed, or if this is impracticable, within one month of his arrival at camp, and no person suffering from a contagious or an infectious disease shall be taken into or continued in employment at the camp as the case may be.

Admission to Insane Asylums; certificates.

- 7. Section 446 of the said Act is hereby repealed and the following substituted therefor:—
 - 446. No person shall except under the provisions of Section 459 hereof be admitted into any hos-

pital, except either voluntarily, or, in the case of a prisoner, on the order of the Minister of Justice accompanied by the certificates of two medical practitioners, or upon the warrant of a Stipendiary Magistrate accompanied by the certificates of two legally qualified medical practitioners and upon notice having been received from the Superintendent of the said hospital that there is a vacancy for the patient. Such warrant and certificates shall except in the case of a prisoner be accompanied by a statement of the family history and financial circumstances of the patient, if obtainable, in the prescribed form.

8. Section 459 of the said Act is hereby repealed and Certificates teh following substituted therefor:

Certificates where only one medical practitioner available.

459. In any place where it shall not be practicable to obtain the services of two medical practitioners the Stipendiary Magistrate may upon his own view of the patient and the certificate of one medical practitioner and if he is satisfied that the natient is insane and ought to be removed to an institution make an order for the removal of the said patient to the Mental Hospital at St. John's; provided that upon the arrival of such patient at St. John's or upon his removal to some other place en route to St. John's where a second medical practitioner is available he must forthwith be examined by a second medical practitioner and the certificate of such practitioner added and that the order of commitment shall not warrant the admittance of such patient by the Superintendent unless and until such second cerrtificate shall have been added to it.

Amendment of Sec. 638; bonds in bastardy cases.

9. Section 638 of the said Act is hereby amended by striking out the words "not less than two hundred and fifty dollars and"

Amendment of 10. Section 639 of the said Act is hereby amended by Sec. 639; bonds in bastardy cases. 10. Section 639 of the said Act is hereby amended by the bastardy cases and fifty dollars and "being not less than two hundred and fifty dollars and"

Amendment of Sec. 644; bonds by striking out in the tenth line thereof the words "less in bastardy cases."

than two hundred and fifty dollars nor"; and by striking out at the end of the said Section the words "not less than two hundred and fifty dollars" and substituting therefor the words "such sum as the Magistrate may think proper, not exceeding one thousand dollars."

Amendment of Sec. 654; release of persons for bastardy when bonds found.

12. Section 654 of the said Act is hereby amended by adding thereto the words "The bond and cash deposit hereinbefore referred to together with the costs and charges shall in St. John's be delivered to and approved by the Minister of Justice who shall forthwith notify the keeper of the gaol if they are satisfactory and in accordance with the commitment and if so the keeper of the gaol may then discharge the prisoner. Outside St. John's the foregoing may be done by the nearest Stipendiary Magistrate instead of by the Minister of Justice.

Amendment of Sec. 658; procedure in bas-the following substituted therefor: tardy appeals.

658. Where a person against whom an order of affiliation has been made appeals and desires a stay of proceedings he shall enter into a bond with sufficient sureties approved by the Magistrate making the order, conditioned to perform the order of affiliation if confirmed in whole or in partr or to abide by and fulfil the judgment of the Court on such appeal, and to pay the taxed costs of the respondent if the Court shall so order.

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CAP. XVIII.

AN CT TO AMEND THE LAW RESPECTING THE INNKEEPERS.

(Passed May 1, 1933)

SECTION

- 1.—Inn-keepers' liability; limitation of.
- 2.—Provision for safe custody of goods.
- 3.—Copy of Section 1 to

SECTION

- be exhibited.
- lieu 4.—Inn-keepers' right of sale.
- 6.-Interpretation of terms.
- 7.—Short title.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. No innkeeper shall, after the passing of this Act, Inn-keepers' be liable to make good to any guest of such innkeeper any liability; loss of or injury to goods or property brought to his inn, limitation of. not being a horse or other live animal, or any gear appertaining thereto, or any carriage or motor vehicle, to a greater amount than the sum of one hundred and fifty dollars, except in the following cases; that is to say:
 - (1) Where such goods or property shall have been stolen, lost or injured through wilful act, default or neglect of such inkeeper or any servant in his employ;
 - (2) Where such goods or property shall have been deposited expressly for safe custody with such innkeeper:

Provided always that in the case of such deposit it shall be lawful for such innkeeper, if he think fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same.

Provision for safe custody of goods.

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2. If any innkeeper shall refuse to receive for safe custody, as before mentioned, any goods or property of his guest, or if any such guest shall, through any default of such innkeeper, be unable to deposit such goods or property as aforesaid, such innkeeper shall not be entitled to the benefit of this Act in respect of such goods or property.

Copy of Section 1 to be exhibited.

3. Every innkeeper shall cause at least one copy of the first section of this Act, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his inn, and he shall be entitled to the benefit of this Act in respect of such goods or property only as shall be brought to his inn while such copy shall be so exhibited.

Inn-keepers' lieu and right of sale.

4. The landlord, proprietor, keeper, or manager of any inn shall, in addition to his ordinary lien, have the right absolutely to sell and dispose by public auction of any goods, chattels, carriages, horses, motor vehicles, wares, or merchandise which may have been deposited with him or left in the house he keeps, or in the coachhouse, stable, stable-yard, garage, or other premises appurtenant or belonging thereunto, where the person depositing or leaving such goods, chattels, carriages, horses, motor vehicles, wares, or merchandise shall be or become indebted to the said innkeeper either for any board or lodging or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such innkeeper, or for the storage of any motor vehicle left in a garage occupied by such innkeeper.

Provided that no such sale shall be made until after the said goods, chattels, carriages, horses, motor vehicles, wares, or merchandise shall have been for the space of six weeks in such charge or custody or in or upon such premises without such debt having been paid or satisfied, and that such innkeeper, after having, out of the proceeds of such sale, paid himself the amount of such debt, together with the costs and expenses of such sale, shall on demand pay to the person depositing or leaving any such goods, chattels, carriages, horses, motor vehicles, wares, or merchandise the surplus (if any) remaining after such sale; provided further, that the debt for the payment of which a sale is made shall not be any other or greater debt than the debt for which the goods or other articles could have been retained by the innkeeper under his lien.

Provided also, that at least fourteen days before any such sale the landlord, proprietor, keeper, or manager shall cause to be inserted in one newspaper published in St. John's and one local newspaper (if any) circulating in the district where such inn may be, an advertisement containing notice of such intended sale, and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same where known.

5. Every innkeeper of an inn which provides sleeping accommodation for ten guests or more, or which, although it accommodates less than ten guests, has a license to sell alcoholic liquor, shall provide a book of registry for guests, which shall be kept in the front hall or public entrance to the inn and shall be open at all times to inspection by any person; and he shall require every guest at the time of his entry into the inn on each occasion that he shall be there as a guest to enter in such book his name and address; and for every occasion when a guest shall be received without being required so to register the innkeeper shall be liable on summary conviction at the suit of any person to a fine of not less than five nor more than fifty dollars.

6. In this Act:

Interpretation cof terms.

(1) The word "inn" shall mean any hotel, inn, tavern, public house, or other place of refreshment, the keeper of which is now by law re-

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sponsible for the goods and property of his guests.

- (2) The word "innkeeper" shall mean the landlord, proprietor, keeper or manager of any such place.
- (3) The word "guest" shall mean a person who takes a room, whether for the day or for the night, or takes sleeping accommodation, but not a person who enters to obtain food, refreshment or entertainment only.

Short title. 7. This Act may be cited as "The Innkeepers Act, 1933."

CAP. XIX.

AN ACT RELATING TO ALCOHOLIC LIQUORS

(Passed July 7, 1933)

SECTION

- 1.—Preliminary.
- 2.—Interpretation.
- 3.—Board of Liquor Control; members; quorum.
- 4.—Functions, powers, and duties of Board.
- 5.__Orders for liquor by Board.
- 6.—Protection of members of Board.
- 7.—Members to give security.
- 8.__Employees; tenure of office.
- 9.—Restrictions upon plovees.
- 10. Governor in Council may make regulations.
- 11.—Property and profits of Board.
- 12.-Moneys of Board; how dealt with.
- 13.—Accounts of Board: Audit.
- establish-14.—Stores and ments of Board.
- 15.—Delivery of wine and beer from stores of Board.
- 16.—Orders by mail.
- 17.-Liquor not to be consumed on premises.
- 18.-Closing of stores, etc., on certain occasions.
- 19.—Importation of liquor.
- 20.—Exceptions.

liquor.

- 21.—Inventory to be kept.
- 22.—Liquor for use on board warships.
- 23.-Keeping and transportation of liquor.
- 24.—Permits to keep and sell. 25 .- Sale and labelling of

SECTION

- 26.—Numbering of labels on bottles.
- 27.—Sale to certain persons prohibited.
- 28.—Personal permits in St. John's.
- 29.—Provision for keeping liquor for medicinal purposes.
- 30.—Liquor for medicinal purposes not to be used as beverage.
- 31.—Control of sale for medicinal purposes.
- 32.—Peddling liquor prohibit-
- 33.—Adulteration of liquor: increase of penalties.
- 34.—Manufacture of liquor.
- 35.—Returns by manufactur-
- 36.—Sale and delivery by manufacturers.
- 37.—Possession of stills or parts thereof prohibited.
- 38.-Prevention of drunkenness.
- 39.—Minors; special provisions as to.
- 40.—Habitual drunkards; sale to, prohibited.
- 41.—Alcoholic preparations, certain, permitted.
- 12.—Alcoholic preparations, may be declared liquor.
- 43.__Medical, etc., purposes, alcohol for.
- 14.—Authorities to search and seize.
- 45.—Search and seizure upon suspicion.

SECTION

- 46.—Search of ships, boats, vehicles and buildings; penalty for concealment.
- 47.—Seizure of liquor in disorderly houses.
- 48.—Seizure generally.
- 49.—Detention and confiscation of vehicles and containers.
- 50.—Constables, powers of.
- 51.—Constables to report seizures.
- 52.—Arrest on view.
- 53.—Obstruction of constables.
- 54.—Protection of constables. 55.—Hindering searches or
- seizures.
- 56.—Protection of officers.
- 57.—Penalties.
- 58.—Offences by manufacturers.
- 59.—Offences by manufacturers.
- 60.—Sec. 98 Summary Jurisdiction Act, application of.
- 61.—Prosecutions.

SECTION

- 62.__Sale, evidence of.
- 63.—Places of concealment; finding of liquor in.
- 64.—Sale, prima facie evidence of.
- 65.—Form of summons; variances; procedure.
- 66.—Sale by agents, responsibility for.
- 67.—Government Analyst, certificate of, to be evidence.
- 68.—Interdiction of premises.
- 69.—Placarding of interdict_ed premises.
- 70.—Transfer of interdiction.
- 71.—Persons found in premises where certain offences committed.
- 72.—Appeals.
- 73.—Procedure on appeals.
- 74.—Conviction, etc., not void for want of form.
- 75.—Certain forms of procedure not to apply.
- 76.—Disposition of fines.
- 77.—Convictions under previous Acts.
- 78.—Short Title.
- 79.—Repeal.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

PRELIMINARY

Preliminary.

- 1. This Act is divided into parts as follows:
 - 1. Interpretation.
 - II. The Board of Liquor Control.
 - III. Importation of alcoholic liquors.
 - IV. Possession, transportation and sale of alcoholic liquors.
 - V. Adulteration of alcoholic liquors.

- VI. Manufacture of alcoholic liquors.
- VII. Prevention of drunkenness.
- VIII. Exceptions.
- IX. Examinations, searches and seizures.
- X. Penalties.
- XI. Procedure.

PART I.—INTERPRETATION

- 2. In the interpretation of this Act, and Rules and Interpretation, Regulations made hereunder, unless the context indicates a different meaning.
 - (1) The word "Alcohol" means the product of distillation of any fermented liquid, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol.
 - (2) The word "spirits" means any beverage which contains any kind of alcohol obtained by distillation mixed with drinkable water and other substances in solution, and includes, among other things, brandy, rum, whiskey and gin.
 - (3) The word "wine" means any alcoholic beverage obtained by the fermentation of the natural sugars contained in fruit or other vegetables or vegetable products or honey or the like.
 - (4) The word "beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt and hops in drinkable water.

- (5) The words "alcoholic liquor" mean and include any alcoholic, spirituous, vinous, fermented or malt liquor, or combination of liquors and all drinks or drinkable liquids and consumable solids, patented or not, containing three per cent. and upwards of alcohol by volume.
- (6) The word "Board" means the Board created by this Act under the name of "The Board of Liquor Control."
- (7) The word "electors" means persons qualified to vote at an election of a member of the House of Assembly.
- (8) The word "bottle" means any vessel intended to contain liquids having a capacity of not more than twenty-six ounces.
- (9) The word "residence" means the premises where a person resides permanently or temporarily, and includes the aggregation of the rooms inhabited by him, as well as the cellar.
- (10) The word "peddling" means having on one's person, or transporting with one, with intent to sell outside any establishment where the sale thereof is allowed.
- (11) The word "traveller" means a person who in consideration of a given price per month, day or fraction of a day, or per meal, is furnished by another person with food or lodging, or both; and includes a passenger travelling by railway passenger train or passenger steamer.
- (12) The word "area" means any number of contiguous towns, villages or settlements in the

same electoral district which may be associated together by petition under this Act, or by the Board, for the establishment or discontinuance therein of a branch establishment of the Board, and having a population of not less than five thousand.

- (13) The word "meal" means the consumption of food of kind and quantity sufficient for the bodily maintenance of the consumer, in a hotel, tourist hotel, restaurant or club, or at a banquet, or on a railway passenger train or passenger steamer.
- (14) The word "hotel" means a building having special accommodation to provide food and lodging for travellers and where such accommodation is habitually furnished.
- (15) The word "banquet" means a complimentary or ceremonious occasion when persons meet in a public or fraternal manner for the purpose of eating and drinking together with toasts, speeches or song.
 - (16) The word "club" means a corporation, society or association of persons which is the owner, lessee or occupant of an establishment used solely for objects of a social or athletic nature, but not for pecuniary gain, and shall include the premises occupied or used for any such purpose.
- (17) The words "member of a club" mean a person who, whether as a charter member or admitted in accordance with the bye-laws of the club, has become a member thereof, who maintains his membership by payment of regular periodic dues in the manner established by such

rules or bye-laws, and whose name is entered on the list of members supplied to the Board, at the time of the application for a permit under this Act, or, if admitted thereafter, within ten days after his admission.

- (18) The words "tourist hotel" mean—a building having special accommodation to provide food and lodging for travellers, and where such accommodation—is habitually furnished, and which is specially and mainly for the accommodation of travellers from places outside the Dominion, and which the Board is satisfied is desirable for the promotion of tourist traffic.
- (19) "Sale" includes:—To solicit or receive an order for; to keep or expose for sale; to deliver for value or in any other way than purely gratuitously, or to deliver gratuitously when the delivery is to a person who to the knowledge of the person so delivering has been convicted within two years before such delivery of a breach of this Act; to peddle; to keep with intent to sell; to traffic in; or for any onerous consideration, promised or obtained, directly or indirectly, or under any pretext, or by any means whatsoever, to procure or allow to be procured for any other person.
- (20) The word "Court" means a Stipendiary Magistrate sitting as such, except where the context indicates the Supreme Court.
- (21) The word "vehicle" means any instrument of transportation, including a boat, and any article used in transporting.
- (22) "Public place" includes any place, building or conveyance to which the public has or is per-

mitted to have access, and any place of public resort, including any shop or store in which any goods are exposed for sale, as well as any rooms on the same floor communicating therewith, but not a hotel, tourist hotel, restaurant, club or banquet in respect of which a permit has been granted hereunder.

PART II.—THE BOARD OF LIQUOR CONTROL

- 3. (1) The Governor in Council shall appoint not less Board of than two or more than three persons to be a Liquor Control, Board of Liquor Control, and shall indicate the quorum. member who is to act as chairman. It shall be vested with all the rights and powers belonging generally to corporations.
 - (2) The members shall hold office during pleasure.
 - (3) The salary of the members shall be fixed by the Governor in Council, subject to approval by the House of Assembly at its next session.
 - (4) The members shall not exercise any other calling, profession, trade or employment whatsoever, with a view to deriving profit therefrom, directly or indirectly.
 - (5) No vacancy in the Board shall have the effect of dissolving it, and the Governor in Council may fill every such vacancy.
 - (6) The head office of the Board shall be in the City of St. John's.
 - (7) A quorum at meetings of the Board shall be two Members.

Functions, powers and duties of Board.

- 4. The functions, duties and powers of the Board shall include the following:—
 - (a) to purchase, import, possess and sell, in its own name, alcoholic liquor in the manner set forth in this Act.
 - (b) to lease or occupy any building or land required for its operations.
 - (c) to borrow sums of money, guarantee the payment thereof and of the interest thereon, by the transfer or pledge of goods or in any other manner required or pemitted by law and paticularly by Chap. 210 Consolidated Statutes (Third Series) entitled "Of Warehouse Receipts and other Securities in the possession of Banks"; to issue, sign, indorse and accept cheques, promissory notes, bills of exchange and other negotiable instruments.
 - (d) to control the possession, bottling, packing, sale and delivery of alcoholic liquor in accordance with the provisions of this Act.
 - (e) to prevent and investigate every contravention of this Act, seize alcoholic liquor sold. kept or transported in contravention hereof, and apply for the confiscation thereof, whenever required by this Act, and to prosecute offenders in its own name before any Court of competent jurisdiction.
 - (f) to appoint every officer, inspector, clerk, or other employee required for its operations, dismiss them, fix their salaries, or remuneration, assign them their official titles, define their respective duties and powers, and engage the services of experts and of persons engaged in the practice of a profession.

- 5. Any order or contract of purchase by the Board Orders for for alcoholic liquor must bear the signature of two of its liquor by members and a duplicate of every order shall be kept at the head office of the Board.
- 6. The Board or any member thereof may not be pros-Protection of ecuted for doing or omitting to do any act in the perform-members of ance of its or his duties prescribed by this Act, unless by Board. consent of the Minister of Justice.
- 7. Every member of the Board, and every person ap-Members to pointed to any position by the Board, must, on entering give security. upon his duties, give security by means of a guarantee policy to an amount fixed by the Governor in Council or the Board respectively.
- 8. Every employee of the Board shall hold office during pleasure, and may be dismissed by the Board without tenure of office.
 - 9. (1) No member or employee of the Board may, Restrictions directly or indirectly, individually or as a mem-upon employber of a partnership or corporation or as a ees. shareholder of a company, have any interest whatsoever in dealing in or in the manufacture of alcoholic liquor or in any enterprise or industry in which alcoholic liquor is required, nor receive any commission or profit whatsoever from, nor have any interest whatsoever in the purchases or sales made by the Board or by the persons authorized by virtue of this Act to purchase or sell alcoholic liquor.
 - (2) Nothing herein shall prevent any such member or employee from purchasing and having in his possession for the personal use of himself or family any alcoholic liquor which may be purchased or kept by any other person (other than the persons mentioned in Sections 43 hereof) by virtue of this Act.

Governor in Council may make regulations.

- 10. (1) For the purpose of carrying out this Act the Governor in Council may make any regulation he may deem necessary, and may amend or repeal any such regulation, respecting:—
 - (a) loans raised by the Board.
 - (b) the keeping of its books and the rendering and auditing of its accounts.
 - (c) the keeping and inventory of the goods it nas on hand.
 - (d) the times at and within which, the places at and from which, and the manner in which liquor shall be sold and distributed from the establishments of the Board, the keeping of records, marking and packing of bottles or other containers, and all other matters incidental to sale and distribution save as otherwise specifically provided in the Act.
 - (2) The Board may make any regulation it may deem necessary respecting its internal economy and the conduct of its business (including methods for ascertaining the wishes of electors as to the opening or closing of branches), and may amend or repeal any such regulation. It shall transmit a copy of every such regulation to the Governor in Council if required so to do.
 - (3) If any regulation be made hereunder by the Governor in Council, or by the Board and approved by the Governor in Council, and published in the Newfoundland Gazette, any contravention of any such regulation shall be an offence under this Act.

- (4) No regulation made by the Board and approved and published as above mentioned may be repealed or amended save by another regulation of the Board, approved and published in the same way.
- 11. All property possessed by the Board and all Property and profits earned by it shall be the property of the Do-profits of minion.
- 12. Every sum of money collected by the Board Moneys of shall be deposited in the name of the Board in such Board; how bank as the Minister of Finance and Customs, at his dealt with. discretion, shall indicate, and money of the Board in any bank or banks which the Minister of Finance considers available shall, on demand, be handed over to such Minister and every sum of money after it is so handed over shall form part of the Consolidated Revenue Fund.
 - 13. (1) The Board shall render an account to Accounts of the Minister of Finance and Customs, in Board; Audit. the manner and at the times indicated by the Minister, of its receipts and disbursements, as well as its assets and liabilities.
 - (2) The Board's operations shall be subject to examination and audit by persons appointed by the Governor in Council.

ESTABLISHMENTS OF THE BOARD

14. The Board may have the following stores and Stores and establishment of Board.

- (1) Its principal store and warehouse in the City of St. John's.
- (2) A branch thereof in that part of the City of

St. John's included in the electoral division of St. John's East, and a branch thereof in that part of the City of St. John's included in the electoral division of St. John's West.

- (3) Such number of branches in St. John's as the Governor in Council may appoint, for the sale of wines and beers only, in closed containers.
- (4) Branches in outport areas, established in the following manner and upon the following conditions:—
 - (a) The majority of the electors in any outport area may by petition define such area and pray that a branch be opened therein.
 - (b) No such petition shall be acted upon without the certificate of a Stipendiary Magistrate resident in or near the area, that the petition includes the signatures of the majority of the electors resident in such area, such signatures having been authenticated to his satisfaction.
 - (c) The Magistrate shall take all necessary measures to ascertain the genuineness of the signatures and is for this purpose authorized to administer oaths and to take evidence on oath.
 - (d) Any person signing the name of any other person to a petition under this Act without the express authority of the person whose name is so signed, and any person taking a false oath as to the authenticity of any signature to any such petition shall be guilty of an offence against this Act.

- (e) In pursuance of such a petition the Board may in its discretion open a branch as prayed for in the petition, and such branch may be for the sale of alcoholic liquors generally or of spirituous liquors only, or of wine and beer only, or both, as the petition may request.
- (f) The electors of such area may, at any time after the establishment of such branch, petition in the same manner as above mentioned for the extension or reduction of the classes of sales to be made in such branch, and the Board shall comply with the prayer of such petition.
- (g) The Board may, subject to the approval of the Governor in Council, make all necessary regulations for the conduct of such outport branches in any matter in which the Governor in Council or the Board might make regulations for the conduct of a branch in St. John's; and may prescribe the use of personal permits as in St. John's.
- (5) All branches shall be in charge of persons appointed by the Board, and such persons shall be and be held to be agents of the Board. They shall be paid such salaries, or allowed such profits or commissions as the Board shall decide.
- (6) No profession, trade or occupation other than the sale of alcoholic liquor shall be conducted in any branch.
- 15. The Board may, from any wine and beer store wine and beer.

 or from its central store in St. John's, deliver wine and from stores of Board.

beer to the residences of purchasers in St. John's and its environs in pursuance of orders received for the same; provided that such delivery shall be made by the Board's own officials or servants and only for cash in advance or cash on delivery.

Orders by mail.

16. It shall be lawful for the Board at its principle store in St. John's to fill by mail, express or common carrier, orders received from places other than those within an area where an outport banch store exists; and orders from an area where a branch store does exist if such orders are for liquors not sold at such branch store; provided always that full payment shall have been received with such orders.

Liquor not to be consumed on premises.

17. Alcoholic liquor sold in any branch shall not be consumed therein.

Closing of certain occasions.

18. Any two Justices of the Peace, or any Stipenstores, etc., on diary Magistrate, when any riot or tumult happens, or is likely to happen, or when any election may be taking place, or about to take place, may order any agent in or near the place to close his premises or any permittee to cease selling wine or beer during any time which the Justices or Magistrate may order.

PART III.—IMPORTATION OF ALCOHOLIC LIQUORS

Importation of liquor.

19. No person other than the Board or a person permitted by the Board so to do, may import alcoholic liquor; save that the Board shall give a permit to import wine for sacramental purposes to a person nominated by the head in this Dominion of any religious denomination generally recognized as worshipping herein, and the importation and the sale and delivery of such wine by such person for sacramental purposes shall be lawful, but the sale or delivery thereof except 1933

for sacramental purposes shall be an offence against this Act. The permittee shall report his proceedings to the Board when requested.

- 20. The word "import" in this Act shall not be Exceptions, construed to include:-
 - (a) Alcoholic liquors in transit from and to places outside this Dominion placed in bond in a Customs warehouse in the Dominion.
 - (b) Alcoholic liquor, part of a ship's stores. warehoused or sealed up, as provided by the Customs Acts for the time being in force.
 - (c) Wines imported for the purpose of being matured and re-exported or to be sold to the Board, deposited in establishments licensed for that purpose by the Board: Provided that the Board shall be notified by the importer or master of the ship, as the case may be, respectively, of the importation and exportation of such alcoholic liquor at the time thereof, and the Board shall keep a register of such importations and exportations open during office hours of the Board for public inspection. The Board may prescribe forms to be used in such notification.
- 21. The Board shall keep an inventory showing Inventory to the importations and exportations, and stocks on hand, be kept. of alcoholic liquor in bond in Customs' warehouses, and of wines stored for maturity and export.
- 22. Alcoholic liquor on board warships of any Liquor for use nation, for the use of officers and crews, shall not be warships. subject to this Act while on board the said ships.

PART IV.—POSSESSION, TRANSPORTATION AND SALE OF ALCOHOLIC LIQUORS

Keeping and transportation of liquor.

- 23. (1) No alcoholic liquor may be kept, had in charge, possessed or transported by any person whether for himself or for another and whether for reward or gratuitously except:—
 - (a) in stores and warehouses of the Board or in some other place under its control;
 - (b) in accordance with the provisions of this Act by those who have acquired it from the Board either from its principal store or a branch thereof, or who have acquired the same under Section 43 of this Act; or by a person who has obtained the same at a store of the Board upon the signed order of a person entitled to purchase the same for the purpose only of conveying the same without delay to such person.
 - (c) in the residence of any person, provided that such liquor shall not be kept with intent to sell the same (and one sale shall suffice to establish such intent);
 - (d) in the baggage of a traveller who is transporting such liquor for his personal use;
 - (e) in places where it is expressly permitted by the Board to keep the same.

- (2) No alcoholic liquor shall be carried in any ship, vessel or boat engaged in coasting, fishing or trading in this Dominion, beyond such quantity as may be bona fide required or necessary for ship's stores, and permitted by the Board; and if any alcoholic liquor be carried contrary to this section the master of the ship, vessel or boat, as well as the owner thereof, or either of them, shall be guilty of an offence against this Act unless it shall be proved that some other person secreted the liquor on board without the knowledge of the owner or master.
- (3) Sacramental wine may be kept in a church, chapel or place appertaining thereto.
- (4) The keeping of alcoholic liquor elsewhere than in the places mentioned in this section shall constitute an offence under this Λct, save that the transportation of liquor by or for the Board by steamboat or common carrier, shall be lawful.
- (5) Alcoholic liquors kept or transported in contravention hereof may be seized without warrant by a person authorized by the Board, or by a constable, and confiscated.
- 24. (1) Permits may be granted by the Board:-

Permits to keep and sell.

- (a) To the owners, operators or managers of hotels, tourist hotels and clubs to keep and sell wine or beer in such hotels, tourist hotels, and clubs, to guests, travellers and members only, respectively.
- (b) To a person in charge of a banquet

to keep and sell wine and beer at such banquet, for consumption at the dining table during the meal. No permit shall be necessary for a banquet in a place in respect of which a permit has been granted under the precedeing sub-section.

- (c) To owners, operators or managers of restaurants, to keep and sell wine or beer with meals in such restaurants between the hours of 9 a.m. and midnight; provided that the Board shall be satisfied after report from the police that the restaurant is clean and well-conducted and not frequented by drunken or disorderly persons, and is of sufficient size to warrant the grant of a permit.
- (d) To the Newfoundland Railway or to steamship companies to sell wine or beer with meals upon passenger trains and steamships.
- (2) A permit shall not be granted in respect of an hotel, club or restaurant situated in or a banquet to be held in any town, village or settlement included in the area in which a branch establishment of the Board is not permitted under Section 13 hereof, but a permit may be granted to a tourist hotel in any part of the Dominion, provided that no sale of wine or beer shall be made in a tourist hotel to any person ordinarily resident within three miles of such hotel.
- (3) Bottled wine or beer, kept by the holder of a permit, for sale, shall, while in his posses-

sion, be kept in the bottles in which it was when purchased by him, bearing the label of the Board, and he shall not put therein any other alcoholic liquor.

- (4) A holder of a permit shall not allow the mixing of any alcoholic liquor he is not permitted to sell with any wine or beer he is permitted to sell.
- (5) A holder of a permit shall not sell or allow to be sold wine or beer between midnight and nine o'clock in the morning of the next day on week days but on Sundays the hours of sale shall be within noon and 3 p.m. and between 5 p.m. and 8 p.m.
- (6) The Board may refuse to grant, or may revoke, any permit without assigning any cause for such refusal or revocation.
- (7) The fee for a permit shall be fixed by the Board.
- (8) Every applicant for a permit for an hotel, tourist hotel, restaurant or club shall, before filing his application with the Board, give notice of his intention to apply for such permit, by advertisement in the form prescribed by the regulations made hereunder, once a week for four consecutive weeks preceding his application, in the Newfoundland Gazette, and in a newspaper published in the locality in which the premises is situate, or if no newspaper is published in that locality, then in the Newfoundland Gazette and a newspaper published in St. John's.
- (9) The application for a permit shall be in the form prescribed by the regulations. and shall be filed with the Board accompanied

by the prescribed fee, and such application shall contain a description of that part of the premises in respect of which the applicant desires a permit, and shall furnish such other matter, information, description or plan of that part of the premises in which it is proposed to keep, sell and consume under the permit applied for as may be required by the regulations and by the Board.

- (10) No permit to sell in respect of a hotel or tourist hotel shall be issued or granted—
 - (a) Unless such hotel or tourist hotel contains, in addition to what is required for the permittee, his family and servants, sufficient bed-rooms, with suitable complement of bedding and furniture, public sitting rooms, and other conveniences reasonably suited to the requirements of the public likely to make use of the same.
 - (b) Unless the hotel, or tourist hotel and the part thereof where wine and beer may be kept, sold and consumed under the permit applied for, are constructed, equipped and conducted to the satisfaction of the Board, and constructed and equipped so as not to facilitate any breach of this Act or the regulations made thereunder.
- (11) The Board shall consider any objections or protests to the issue of permits filed by any person with the Board and shall also obtain a report from the police as to the proposed permit.

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- (12) Every permit shall be constantly and conspicuously exposed in that part of the premises specified in the permit where wine and beer may be kept, sold and consumed under such permit.
- (13) Unless sooner cancelled, every permit issued by the Board shall expire at midnight on on the 31st day of December in the year which the permit is issued. In case the permittee applies for a new permit for the following year in respect of the same premises. he shall not unless so required by the Board be required to give notice by advertisement of his intention to apply for a new permit.
- (14) No permit shall be transferable.
- (15) Every permit issued under this Act shall be subject to all conditions and restrictions imposed by this Act and the regulations made thereunder in force from time to time.
- 25. (1) Alcoholic liquor shall not be sold except Sale and by the Board or its agents or under and labelling of according to permits granted hereunder by the Board, save as permitted by Section 22 (e) hereof.

- (2) No sale or delivery shall be made by the Board before nine o'clock in the morning. nor later than such hour as the Governor in Council may from time to time prescribe.
- (3) No sale or delivery shall be made by the Board on Sundays, or on bank or public holidays, or in any constituency in which an election of a member for the House of Assembly is taking place, on the day of such election.

- (4) No sale shall be made by the Board except for eash.
- (5) The Board shall not sell to any one person more than one bottle of spirits on any one day nor more than three bottles of spirits in any calendar week (except for industrial purposes) nor shall any person purchase more than the aforesaid quantities. Special regulations to safeguard the observation of this limitation shall be made by the Board under Section 9 of this Act. Provided that in the case of orders from districts, where no branch exists, the Board may in its sole discretion send forward not more than three bottles at a time, so long as the Board is satisfied that in the aggregate the purchaser's weekly allowance under this Section is not exceeded.
- (6) No spirits shall be sold by the Board or its agents, for beverage purposes. except in bottles wrapped or corked so as to prevent fraud, and bearing labels or marks to identify it as sold by the Board; but wine or beer may be sold either in bottles or in other closed containers larger than bottles.
 - (a) The Board shall give notice through the Newfoundland Gazette of the character of such labels or marks.
- (7) No person shall without the authority of the Board make or have in his possession any such label or mark or any label or mark colourably resembling any label or mark of the Board.

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- (8) No person shall without the authority of the Board affix to any bottle or other container of any kind containing any alcoholic liquor, any label or mark of the Board or any label or mark colourably resembling the same.
- (9) No person shall deface, mutilate, destroy or remove any label or mark affixed by or under the authority of the Board to any bottle or other container of any kind so long as such bottle or other container contains any alcoholic liquor.
- (10) No person shall have in his possession any bettle containing alcoholic liquor having thereon a label or mark of the Board defaced or mutilated or from which such label or mark has been removed.
- (11) No person shall sell or deliver except to the Board, or consumer, within this Dominion, any alcohol liquor in transit mentioned in Section 20 (a) hereof, or sell, deliver or consume within this Dominion any alcoholic liquor, part of a ship's stores, mentioned in Section 20 (b) hereof.

26. Every person employed by the Board in selling in Numbering of the store or filling mail orders shall be provided by the labels on Board with a mechanical stamp for serial numbering, con-bottle. structed so as to repeat each number twice, up to at least ten thousand numbers, and showing the date, and equipped with indelible ink; and it shall be his duty to impress the said stamp clearly on the Board's label affixed to the bottle, and also upon the signed sales slip in the case of a sale in the store or upon the signed order in the case of a sale by mail so that the bottle and the slip or order shall bear the same number; under a penalty of five dollars for every failure so to do, which may be deducted summarily

from his salary by the Chairman of the Board. All sales slips and orders shall be placed on file in serial order, and preserved by the Board for at least one year. This Section shall not apply to sales of wine and beer.

Sale to certain persons prohibited.

- 27. (1) No alcoholic liquor shall be sold:—
 - (a) To any person who has not reached the age of twenty-one years.
 - (b) To any keeper or inmate of a disorderly house.
 - (c) To any person convicted of drunkenness or of any offence caused by drunkenness. The prohibition to sell to such persons may be suspended by the Board after six months from the date of the conviction upon application by such person to the Board.
 - (d) To any person who habitually drinks alcoholic liquor to excess, and to whom the Board has, after investigation, decided to prohibit the sale of such liquor upon application to the Board by the husband, wife, father, mother, brother, sister, guardian, employer or other person depending upon or in charge of such person. The prohibition of sale to any person by the Board may be removed by the Board.
 - (e) To any Esquimaux or Indian.
 - (f) To any constable on duty except by authority of his superior officer.
 - (g) To an inmate other than an employee thereof of a hospital, or lunatic or poor asylum, or prison or place of detention.

- (h) To any person who has been convicted of selling or having in his possession contrary to law, any liquor, or of failing to declare and produce for inspection liquor in his possession or of obstructing search by any constable or authorized person, for a period of twelve months after such conviction.
- (2) The delivery of alcoholic liquor to any of the persons mentioned in these sub-sections by the Board, its officials or any other person whether gratuitously or for reward shall constitute a sale.
- (3) No sale made to any of the foregoing persons, or to persons concerning whom a notice has been given under this Act, by any person permitted by the Board to make sales, shall constitute an offence, unless the vendor has knowledge that such person is one to whom a sale is prohibited.
- 28. (1) No spirits shall be sold by the Board to any Personal perperson resident in the District of St. John's mits in St. East or West or St. Johns (City) East or West John's. unless he or she is the holder of a permit, being either a permit under Section 24 of the Act or a personal permit as defined in this part of the Act.
 - (2) A personal permit shall be issued by the Board on application without charge. The applicant shall apply in person at the chief office of the Board for a permit; provided that if special reason be shown to the Board by reason of which the applicant is unable to attend in person his written application witnessed by a credible witness may be accepted in lieu of personal application,

- (3) A personal permit shall be valid for one year from the date of issue.
- (4) Permits shall be printed on *some strong and durable material and shall be in such form as the Governor in Council may prescribe, and shall contain among other things a serial number and the original signature of the holder, witnessed by a member of the Board, or in a case where an application is accepted in writing then by a credible witness, and a duplicate signature shall be furnished for filing by the Board. The Board may, however, at its discretion in every case require personal application for the purpose of identification of the applicant.
- (5) Permits issued to residents in the Districts of St. John's East and West and St. John's (City) East and West shall be good for purchase only at a single branch to be specified thereon; and a sale may be made only upon the production of the permit; provided that the person producing the permit shall be required to sign a sale slip, and if he be not himself the holder of the permit shall be required to produce together with the permit an order signed by such holder.
- (6) Permits issued to residents in the Districts of St. John's East and West and St. John's (City) East and West shall contain upon some part thereof, or on the back thereof, blank spaces for the recording of purchases showing in each case the date of purchase, the nature and quantity of goods purchased, the signature or initials of the official making the sale and the signature of the person receiving the goods. If all the spaces provided shall be filled up before

the expiry of the permit the holder shall deliver up the permit to the Board who shall retain the same and deliver to him a new permit. Any official of the Board delivering spirits to any percer without entering the prescribed particulars upon the permit shall be subject to a fine of five dollars for each offence which may be deducted summarily from his salary by the Chairman of the Board.

- (7) When any person has been convicted of a third or subsequent offence against this Act within a per'od of two years, the Court or Magistrate so convicting may order that he receive no liquor from the Board for a period not exceeding one year, and if he be a permit holder shall require delivery up of his permit for cancellation, and shall send the permit, if any, and a notice of the order to the Board, and the Board shall comply with the same.
- (8) Any person retaining the permit of another person for a period longer than is necessary for going as a messenger to obtain liquor for such other person at a store of the Board shall be guilty of an offence against this Act.
- (9) Any person found in possession of a permit not his own without the authority or consent of the lawful owner thereof shall be guilty of an offence against this Act.
- (10) Orders from persons residing outside the aforeexid Districts shall be accepted only in the form of a signed order in writing, and the grod to fill the same may be delivered in the store or by express or common carrier. Every order from a person residing outside an area where personal permits are required must be

signed by the applicant and must state his address, and if he signs by a mark his mark must be attested by two credible witnesses. The Central Store in St. John's shall not fill orders from any person for liquors obtainable at a branch store established in the area where such person resides.

(11) No person shall obtain any alcoholic liquor in the name of any other person (unless for him and at his request) or in any fictitious name or in the name of a person under twenty-one years of age, or of any person for any reason prohibited from himself obtaining liquor or by false representation of any kind.

Provision for keeping liquor for medicinal purposes.

29. Notwithstanding anything herein contained, it shall be lawful for the Board to make special provision for the keeping and sale of spirits or wine, or both (but not of beer), for medicinal purposes only, in Labrador or Bank fishing vessels, in logging camps, and in areas where the sale thereof as a beverage is not legal.

Liquor for poses not to be used as bev_ crage.

30. Any person selling or buying for use as a bevermedicinal pur- age or for any purpose not bona fide medicinal any spirits or wine kept for medicinal purposes, shall be guilty of an offence against this Act.

Control of sale for medicinal purposes.

31. The quantity which may be sold for medicinal purposes at any time, the price which may be charged for it, and precautions to secure that the sale shall be proper, and for medicinal purposes only, shall be in the discretion of the Board, and subject to regulations made by it.

Peddling liquor prohibited.

32. Peddling alcoholic liquor shall be an offence against this Act.

PART V.—ADULTERATION OF ALCOHOLIC LIQUORS

- 33. (1) No person shall mix or cause to be mixed any Adulteration deleterious or noxious ingredient with alco-of liquor; increase of holic liquor sold or exposed for sale by him, or penalties. sell any alcoholic liquor with such admixture.
 - (2) Any person having possession of any alcoholic liquor adulterated by deleterious or noxious ingredients shall be deemed knowingly to have exposed the same for sale, unless he can satisfactorily account therefor.
 - (3) Whenever any person is convicted for any offence under this Act, the amount of the fine, or the length of the term of imprisonment to which such person would be otherwise liable, shall be doubled if, at the trial, it be proved that the alcoholic liquor sold by such person was of bad quality and was unfit for consumption, had been made contrary to this Act, or was adulterated or misrepresented as to its character.

PART VI.—MANUFACTURE OF ALCOHOLIC LIQUORS

- 34. (1) No person may manufacture any alcoholic Manufacture liquor except by permission of the Board. of liquor.
 - (2) The Board may grant permits for the manufacture of wine or beer.
 - (3) The Board may refuse to grant, or may revoke, any permit to manufacture wine or beer, without assigning any cause for such refusal or revocation.

(4) The fee for such permits shall be fixed by the Board.

Returns by manufacturers.

- 35. (1) Every manufacturer shall make to the Board every month, in the form that the Board shall determine, an exact return, showing the amount manufactured and disposed, and the amount in stock; and such return shall be delivered to the Board not later than the fifteenth day of the following month.
 - (2) The Board may make an examination of the manufacturer's books, or check the accuracy of any return.

Sale and delivery by manufacturers.

- 36. (1) A manufacturer shall not sell or deliver wine or beer except to the Board, or to a person authorized by the Board to sell wine and beer, or to a purchaser from the Board, and in a manner indicated by the Board.
 - (2) A manufacturer selling to any person holding the Board's permit to sell wine and beer shall collect from such person before delivery a charge at the rate of five dollars per centum on the gross value of such sale, and shall pay the amount so collected to the Board when called upon.
 - (3) Wine and beer sold and delivered by manufacturers shall be in bottles only, bearing a label approved by the Board.

Possession of stills or parts thereof prohibited. 37. No person shall possess a still or part or parts thereof or other contrivance commonly used for the manufacture of alcoholic liquor (except a person holding a permit of the Board to manufacture wine and beer), and the possession of such a still or part thereof or other contrivance shall be prima facie proof of a violation of this sec-

tion, and unless the innocence of the accused is proved to the Magistrate he shall be held to be guilty of a violation of this section.

PART VII.—PREVENTION OF DRUNKENNESS

38. No person shall:—

Prevention of drunkenness.

- (1) Consume any alcoholic liquor in any public place; or
- (2) Be in an intoxicated condition in any public place; or
- (3) Sell any alcoholic liquor to any person apparently under the influence of alcoholic liquor; or
- (4) Permit drunkenness to take place in any house or on any premises of which he is the owner, tennant or occupant; or
- (5) (five any alcoholic liquor to any person apparently under the influence of alcoholic liquor.
- 39. Whosoever, being of the age of less than twenty-Minors: one years, is found in any place in which alcoholic liquor special provisis lawfully sold, and gives no satisfactory reason for his ion as to. presence, or buys alcoholic liquor for himself or another, or performs any work in any establishment of the Board, shall be guilty of an offence under this Act.
- 40. When it shall be proved upon oath, to the satis-Habitual faction of any Stipendiary Magistrate, that any person is drunkards; an habitual drunkard, or is injuring his health by excess sale to, prosive drinking of alcoholic liquor, or neglecting his family by reason thereof, the Magistrate shall cause a written or printed notice to be given to the Board, certifying the facts, and thereafter no sale of alcoholic liquor, except for medicinal purposes upon the prescription of a registered

medical practitioner, shall be made to such person unless and until the Board after inquiry into the habits and circumstances of such person, shall otherwise direct.

PART VIII.—EXCEPTIONS

Alcoholic preparations, certain, permitted.

- 41. No provision of this Act shall, by reason only that the article sold contains any alcoholic liquor, prevent,—
 - (a) the sale of any perfume, lotion, tineture, varnish, dressing fluid, extract or essence, or vinegar;
 - (b) the sale of any officinal, medicinal or pharmaceutical preparation, or of any patent or proprietary medicine, intended solely for medicinal purposes:

Provided that such product does not contain alcohol in any greater quantity than the amount required as a solvent or preservative, or provided that it be so compounded as to render it unsuitable for use as a beverage.

Alcoholic preparations, may be declared liquor.

- 42. (1) If the Board is of the opinion that one of the products enumerated in paragraph (a) of Section 41 of this Act contains alcoholic liquor and is used or usable for beverage purposes, it may notify the manufacturer or the vendor to that effect, and from and after the date of such notice such product shall be deemed to be an alcoholic liquor; and the provisions of this Act shall apply accordingly in respect thereof.
 - (2) In order to determine whether any particular preparation, proprietary or patented, contains alcohol in excess of the amount required as a solvent or preservative, or whether it is so compounded as to render it unsuitable for use

- as a beverage, the Board may have a sample of such preparation, purchased from any person whomsoever, analyzed by such person as it may select.
- (3) The notice shall consist of a copy, certified by the Secretary of the Board, or by one of its members, of a resolution passed by the Board, published in the Newfoundland Gazette, stating that the liquid or solid specified in the resolution is an alcoholic liquor to which this Act applies, and this notice shall be served by sending such copy by registered letter to the manufacturer, or to the agent in this Dominion of the manufacturer or to the person who has required same to resell.
- (4) This section applies to every preparation indicated in paragraph (b) of section 41 of this Act except such as are prepared by the pharmacist at the time of the prescription of the physician and in accordance with its tenor, or which are prepared by the physician for the use only of a patient actually under his care.
- 43. (1) No provision in this Act shall prevent any person qualified by law to practice and actual-Medical, etc., ly practising medicine, surgery, obstetrics or cohol for. dental surgery from purchasing alcohol, in quantities larger than one bottle, and using the same for purposes of solution or sterilization in his own practice, or in any preparation for external application administered by himself, or from purchasing brandy, such as is defined in the British Pharmacopæia, or rum, for use in compounding his medicines; provided, however, that no such person may sell any any such alcohol or spirits except when used by him for the purposes above mentioned.

- (2) No provision of this Act shall prevent any person qualified by law to do business as a druggist and keeping a drug store—
 - (a) From purchasing alcoholic liquors in quantities larger than one bottle, for use in medicinal, officinal, or pharmaceutical preparation, provided, however, that no such person may sell such alcoholic liquor, except when used by him for such purposes; or
 - (b) From purchasing ethyl alcohol in quantities larger than one bottle, and selling the same for obstetrical or antiseptic purposes only, in quantities not exceeding two ounces, upon prescription of a medical practitioner authorized by law to practice in this Dominion, or upon the simple certificate of the latter if the same be made to him personally; provided, however, that such sale takes place only at an hour or upon a day during which the Board's stores are not open.
- (3) Every such person must purchase such alcoholic liquor directly from the Board. The latter may, at its discretion, refuse to sell the quantity applied for.
- (4) If it shall appear to the Board that any person privileged by this Section has wilfully and continuously abused such privilege, the Board may refuse to sell to such person, by a resolution of the Board, published in the Newfoundland Gazette, and served in the manner indicated in section 42 (3). The Board may subsequently revoke such resolu-

tion, but during the continuance thereof, the sale of alcoholic liquor by such person shall be an offence against this Act, and the Board shall not sell alcoholic liquor to such person for use in his business.

PART IX.-EYAMINATIONS, SEARCHES AND SEIZURES

44. A document signed by the Chairman or any Authorities to two members of the Board, authorizing generally or search and specially, any person to make searches, examinations seize. or seizures authorized by this Act shall be prima facie proof of the authority of such persons.

45. (1) Wherever any alcoholic liquor is transported in this Dominion in receptacles of seizure upon any kind, whether or not they be labelled or suspicion. marked as containing alcoholic liquor or otherwise, if such alcoholic liquor be in sufficient quantity to give rise to suspicion that it is being transported for the purpose of selling of same; or, if the said liquor be transported under circumstances justifying the presumption that it is being so transported to be sold unlawfully, any person authorized to that effect by the Board, or any constable, may open any such receptacle wherever it may be, with all the necessary aid and even by force in case of resistance and may examine the contents thereof; and if such receptacle contain alcoholic liquor, he shall, without a warrant being required, seize the same, as well as the receptacle containing it and shall keep them in his custody until the Court has disposed of them by a judgment, after which in case of a conviction he he shall hand them over to the Board.

(2) The powers given by sub-sec. (1) of this section may be exercised in cases of peddling of alcoholic liquor.

Search of ships, boats, vehicles and buildings; penalty for concealment.

- 46. (1) Any person authorized to that effect by the Board, or any constable, may, even by force, if entrance is refused him, go on board and if necessary stop for the purpose any ship, boat or vehicle, and enter any place, lot or building in which he has reason to suspect that any alcoholic liquor is kept or sold in contravention of this Act, make any search, and open, with all the necessary aid, and even by force in the case of refusal to do so. any cupboard or receptacle in which he thinks such liquor is contained; and if he discover any alcoholic liquor, he shall, without a warrant being required, seize it, as well as every receptacle containing it, and shall keep it in his custody until the Court has disposed of them by judgment, after which in case of a conviction he shall hand them over to the Board.
 - (2) Such person or constable may before, during or after such search require the occupier or person in charge or control of such ship, boat, vehicle, place, lot or building to declare to him and produce for inspection all alcoholic liquors in the same. If after declaration and inspection any further alcoholic liquor be found which has not been declared and produced, the occupier or person in charge or control shall be presumed to have been wilfully concealing the same and shall be subject upon summary conviction in addition to any other penalty to which he may be liable to seven days' imprisonment without the option of a fine, unless he

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shall prove to the satisfaction of the Magistrate that such failure to declare and produce was inadvertent or trivial and not with intent to defeat search.

- (3) No specific ground of suspicion shall be necessary to warrant stopping, ships, boats or vehicles under this Section.
- 47. Any person authorized to that effect by the Board, Seizure of or any constable, may, without a warrant, seize alcoholic liquor in disorderly liquor found in a disorderly house, as well as any recep-houses. tacle containing the same, and shall keep them in custody until the Court has disposed of them by judgment, after which in case of a conviction he shall hand them over to the Board.
- 48. Any person authorized to that effect by the seizure gen-Board, or any constable, may, without a warrant seize any erally. alcoholic liquor which to his knowledge or that of the Board is, in any other way than above indicated, kept, transported or sold in contravention of this Act, as well as any receptacle containing it, and shall keep them in his custody until the Court has disposed of them by a judgment, after which in case of a conviction he shall hand them over to the Board.
 - 49. (1) When any alcoholic liquor is seized in a Detention and vehicle and such vehicle is of such nature that confiscation of vehicles and it could be confiscated by the Court if such containers. liquor was being transported in contravention of this Act, the officer or inspector effecting the seizure may detain such vehicle and use it, without charge, for transporting the alcoholic liquor so seized, as well as the receptacle containing it, to a place of safe custody, and there keep it until the court by its judgment has disposed of such vehicle; after which, if the same is confiscated, he shall hand it over to the Board.

- (2) Alcoholic liquor, and any container of such liquor, or vehicles transporting the same, seized under this Act, shall be declared confiscated by the Court upon proof of an offence against this Act in relation to such liquor. Provided that the Court may, in its discretion, release such vehicle on bonds pending its decision.
- (3) Any judgment inflicting a penalty for an offence against this Act, shall ipso facto carry with it the confiscation of any alcoholic liquor and its containers or vehicles, transporting it connected with such offence, and seized under this Act, and if the Court shall be of opinion that an accused is not guilty of an offence, but that alcoholic liquor and its containers or vehicles transporting it, seized in connection with the offence charged, were kept, transported or used in violation of this Act, it may order the confiscation thereof.
- (4) The Board shall within thirty days of any seizure apply to a Stipendiary Magistrate for confiscation of the articles seized, except as provided for by sub-section 5 of this section.
- (5) If the name and address of any person at whose premises or in whose possession articles have been when seized are not known, they shall be deemed confiscated at the expiration of sixty days from the seizure thereof.
- (6) All confiscations shall be to and for the use of the Board.

Constables, powers of.

- 50. It shall be lawful for any constable.
 - (a) to enter any place where alcoholic liquor is thought to be manufactured or sold, or kept for sale or importation, contrary to this Act, and

- take therefrom a sample of alcoholic liquor not exceeding in quantity one bottle for the purpose of analysis.
- (b) To enter any establishment of the Board for the sale of alcoholic liquor to see that the provisions of this Act are complied with.
- (c) To go on board any ship or boat, or enter any part thereof, where alcoholic liquor is thought to be manufactured, kept for sale or sold or kept contrary to this Act.
- (d) To seize or remove alcoholic liquor, manufactured, sold or kept for sale or imported or kept in violation of this Act.
- 51. Any constable seizing or removing alcoholic liquor Constables shall immediately thereafter report to his superior officer to report the alleged or supposed offenders against this Act, if any. seizures.
- 52. Any constable may arrest on view without warrant for any breach of this Act or of any regulations made Arrest on under this Act.
- 53. No person shall interrupt, obstruct or assault any constable in the discharge of his duties hereunder, or shall Obstruction of refuse or fail to admit any constable to enter any place, or, having admitted such constable, refuse or fail to allow him to take an account of any alcoholic liquor found or to furnish such assistance as he may require.
 - 54. (1) When a tribunal before which a proceeding Protection against a constable has taken place, for any-of constables, thing done by him under this Act, shall have certified that there was a probable cause for the action of the constable, and that it was not malicious, a verdict or judgment shall not be given against the constable for more than five cents damages, nor for any costs of suit.

(2) Where in the course of a prosecution under this Act it shall appear that any constable shall have acted bona fide under the powers conferred by this Act, the Stipendiary Magistrate shall, if requested so to do by the constable or on his behalf, give a certificate if the case be so that there was probable cause for the action of the constable and that it was not malicious.

Hindering searches or seizures.

55. Whosover interferes with or hinders any person authorized by the Board or this Act to investigate any infringement of this Act, or to make any search or examination or seizure, in the performance of his duties to that end, shall be guilty of an offence against this Act.

Protection of officers.

56. No person employed by the Board for the enforcement of this Act, when acting in his official capacity nor any one acting under the instructions of any such employee, shall incur any of the penalties enacted by this Act for the punishment of those who obtain alcoholic liquor.

Penalties.

- 57. Persons committing offences against the provision of this Act shall be liable to the penalties in this section set forth, and in this respect the phrase "\$100 to \$200" or as the case may be shall mean "not less than \$100 nor more than \$200" and the phrase "14 to 30 days" or as the case may be shall mean "not less than 14 nor more than 30 days" imprisonment with or without hard labour as the Court may determine.
 - (a) For breach of the following sub-sections, namely, section 25 (1), 25 (7), 25 (8), 25 (9), 25 (10), 27, 28 (8), 28 (9) and 28 (11); if the offence be in respect of spirits and shall be deemed by the Magistrate to have been committed in connection with a course of dealing illicitly in liquor for profit or reward; for the

first offence \$100 to \$200 or 30 to 90 days! for the second offence within 2 years 30 to 90 days without the option of a fine. Where the offence shall not be deemed to have been committed in connection with a course of dealing as aforesaid; for the first offence \$25 to \$50 or 14 to 30 days; for the second offence within 2 years \$50 to \$100 or 30 to 90 days.

- (b) For breach of the following sub-sections, namely, section 25 (1), 25 (7), 25 (8), 25 (9), 25 (10), 27, 28 (8), 28 (9) and 28 (11); if the offence be in respect of wine or beer and shall be deemed by the Magistrate to have been committed in connection with a course of dealing illicitly in liquor for profit or reward; for the first offence \$25 to \$50 or 30 to 90 days; for the second offence within 2 years 14 to 30 days without the option of a fine. Where the offence shall not be deemed to have been committed in connection with a course of dealing as aforesaid; for the first offence \$10 to \$25 or 14 to 30 days; for the second offence within 2 years \$25 to \$50 or 30 to 60 dsya.
- (c) For breach of the following section, namely, 37; for the first offence 30 to 90 days imprisononment without the option of a fine; for the second offence within 2 years 30 days to 6 months imprisonment without the option of a fine.
- (d) For breach of sections 27, 30 or 32; \$50 to \$200 or 30 to 90 days.
- (c) For breach of sections 34, 36 (1) or 36 (3); \$100 to \$1,000 or 30 to 90 days.
- (f) For breach of section 38; \$1 to \$5 or 5 to 14 days.

- (g) For breach of section 53; for the first offence \$50 to \$100; for the second offence within 2 years 30 to 90 days without the option of a fine.
- (h) For any breach of this Act not otherwise specifically provided for; \$10 to \$200 or 14 to 90 days.
- (i) For the purposes of this section the question whether an offence is committed in connection with a course of dealing illicitly in liquor for profit or reward shall be determined by the Court or Magistrate upon the evidence in the case and upon evidence of previous convictions, if any, and shall be subject to review on appeal.

Offences by manufacturers

58. Any manufacturer of alcoholic liquors who fails to collect before delivery of liquor the charges provided in Section 36 (2) or to hand such charges over to the Board, or sells and delivers wine or beer otherwise than in bottles, or in bottles not bearing the label approved by the Board, shall be guilty of an offence and shall be liable to a fine equal to the purchase price of the wine or beer so sold, or the charges above mentioned, or both as the case may be, together with an additional sum of \$1,000; and his permit shall be cancelled.

Offences by manufacturers.

59. Any manufacturer of alcoholic liquors who refuses to allow the examinations of his books by or under the authority of the Board, or who fails to make a return as provided in Section 35, or makes any false return. shall be liable for a penalty of one thousand dollars.

Sec. 98 Sum-

60. The provisions of Section 98 of the Summary mary Jurisdie- Jurisdiction Act shall not apply to any penalty of impristion Act, appropriate on the option of a fine under this Act.

PART XI.—PROCEDURE

- 61.(1) All penalties and forfeitures under this Act Prosecutions. may be sued for, imposed and recovered in a summary manner before a Stipendiary Magistrate.
 - (2) Prosecutions for offences under the Act may be commenced in the name of the Board or in the name of any constable, provided that no prosecution shall be commenced after the expiration of twelve calendar months from the committing of the offence.
 - (3) All prosecutions shall be tried under the Summary Jurisdiction Acts for the time being in force, and the convicting Magistrate shall have, in convictions hereunder, the powers therein given of adjudicating in cause of default, of compelling the attendance of witnesses, and of distress and sale of goods and chattels of persons convicted.
 - (4) Any person may call upon the Board to take any action, and the Board may, in its discretion either before or during the suit, exact from such person the deposit of a sum of money sufficient to cover the costs in case the proceeding is dismissed, and may discontinue the proceedings if such person shall fail to deposit the said sum.
- 62. (1) In proving a sale for the purpose of any pro-Sale, evidence ceeding under this Act, it shall not be neces-of. sary to show that any money actually passed, if the Magistrate hearing the case be satisfied that a transaction in the nature of a sale took place.

- (2) Every delivery of alcoholic liquor made otherwise than by a purely gratuitous title shall be considered a sale.
- (3) In any proceeding under this Act, the burden of proving that a delivery was by a purely gratuitous title shall be upon the defendant.

Places of concealment; finding of liquor in.

- 63. (1) If it shall be proved that upon search under the Act any alcoholic liquor has been found within any premises in any place which in the opinion of the Court or Magistrate is constructed or designed for purposes of concealment such proof shall be prima facie evidence of keeping with intent to sell on the part of the occupier of such premises.
 - (2) If it shall be proved that upon any search under the Act any bottle containing alcoholic liquor has been found within the premises upon which bottle there is not a label of the Board, bearing, in the case of spirits, the date of delivery in accordance with section 26 hereof, or upon which bottle the label of the Board has been defaced, mutilated, or obliterated in any material particulars the presence of such bottle without the Board's label or with such defaced, mutilated or obliterated label, shall be prima facie evidence of keeping with intent to sell.

Sale, prima facie evidence of.

64. If it shall be proved that bottles or decanters, or tumblers, or glasses, or other vessels which are usually employed for holding and using alcoholic liquor, were found in and upon the premises of a person accused of the sale of alcoholic liquor, and that such vessels had been recently used, or that persons were found drinking or drunk on the premises of the accused, such proof shall be prima facie evidence of a sale in violation of this Act, and the accused shall thereupon be required to establish his innocence.

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- 65. In any proceeding under this Act, it shall not be Form of sumnecessary to specify the particular sort of liquors sold, nor mons; varianto whom and the distribution of the particular sort of liquors sold, nor mons; varianto whom and the distribution of the particular sort of liquors sold, nor mons; varianto whom the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the distribution of the particular sort of liquors sold, nor mons; varianto who are the distribution of the distri to whom, nor the time when sold, but it shall be sufficient in the summons to charge the party accused with a breach of some sections of this Act, and no judgment shall be withheld on account of variance between proof and summons if it appears to the satisfaction of the Magistrate that the defendant was aware of the real cause of complaint. The Magistrate may grant time to make a full defence on the merits. No conviction shall be set aside for any variance or for any formal objection.
- 66. Any sale of alcoholic liquor made on the premises sale by agents, of any persons by the wife, child or servant of such per-responsibility son, shall be considered presumptively as the act of the husband, parent or master, and the husband, parent or master shall be liable for an offence against this Act as though he had personally made the sale. The wife, child or servant shall also be liable.
- 67. For the purpose of any prosecution under this Government Act, and any Act or Acts in amendment thereof at any Analyst, certitine in force the certificate of the Government Analyst or be evidence. the Assistant Government Analyst for the time being that any liquor contains three per cent. or upwards of alcohol by volume shall be prima facie proof that such liquir is an alcoholic liquor within the provisions of the said Acts.

INTERDICTED PREMISES

- 68. (1) Whenever there shall have been committed Interdiction in any premises by any person or persons to of premises. whom this section applies any offence under this Act in the nature of-
 - (a) unlawfully selling alcoholic liquors.
 - (b) unawfully being in possession of alcoholic liquors.

- (e) permitting drunkenness and disorderly conduct.
- (d) concealing alcoholic liquors,
- (e) failing to declare and produce for inspection alcoholic liquors upon lawful request,
- (f) obstructing any lawful search,
- (g) distilling or being in possession of a still.
 - (h) an offence under this Act in or in relation to a disorderly house,

and resulting in the conviction of the offender, it shall be lawful for the Magistrate making the conviction upon the application of the police to declare the said premises to be an interdicted premises for a stated period.

- (2) The persons to whom this section applies shall be the occupier, his wife, any member, adopted member, or illegitimate member of his family, any person in the employment of the trate to be associated with the occupier for the occupier, and any person deemed by the Magispurpose of unlawful dealings with alcoholic liquor.
- (3) From and after such declaration of interdiction and during the period of interdiction:
 - (a) Any alcoholic liquor found in the interdicted premises shall be deemed conclusively to be unlawfully possessed by the occupied and the occupier shall be deemed to have committed

an offence against this Act in respect thereof, and the liquor shall be subject to confiscation.

- (b) Any offence under this Act committed by any person in the interdicted premises shall be subject to the maximum penalty for such offence, unless the offender shall prove to the satisfaction of the Court or Magistrate that he was not aware that the premises were interdicted premises.
- (c) The personal permits of the occupier and his wife shall be suspended for the period of interdiction, which suspension shall not be affected by sub-section (5) hereof.
- (4) The period of interdiction shall be not less than six months nor more than two years.
- (5) A purchaser or new occupier of the premises may apply to the Magistrate during the period of interdiction for a removal of such interdiction and may have the same on proof to the satisfaction of the Magistrate that he is entirely unconnected in interest with the interdicted occupier. Upon any such application the police shall be heard by the Magistrate,
- (6) Premises for the purposes of this section shall mean the whole building or part of a building whereof the occupier has possession and control, including any rooms, space or accommodation let to lodgers or sub-tenants.
- 69. When any premises have been interdicted it shall Placarding of be lawful for the police to affix to the outside of the said interdicted premises, facing the street or road, or on the inside of a

clear glass window or glass door facing on the street or road, a label or placard stating the fact and the period of interdiction in such form as may be prescribed; and the occupier of such premises shall be responsible for maintaining the said placard or label in its position and undefaced throughout the whole period of interdiction, and shall every time the same shall be removed or defaced be deemed to be guilty of an offence against this Act without proof of his complicity in such removal or defacement.

Transfer of interdiction.

70. If the occupier of an interdicted premises shall during the period of interdiction remove to other premises the Magistrate shall on the application of the police transfer the interdiction to such other premises for the remainder of the term of the same; and the placard or label hereinbefore referred to may be affixed to such other premises and removed from his former premises.

Persons found in premises where certain offences committed. 71. When any premises the occupier of which has previously been convicted of any offence of the classes mentioned in section 68 (1) hereof and such conviction has been published under the provisions of the Act, shall be visited by the police and a further conviction of the occupier shall as a result of such visit be obtained, any person who is found in such premises when so visited by the police shall be guilty of a breach of this Act, unless such person shall satisfy the Magistrate or Justice that he or she was a resident, servant or lodger in such premises or that his or her presence there was not for the purpose of committing any offence under this Act.

APPEALS AND OTHER REMEDIES

Appeals.

72. Any complainant (including the Board) or defendant, feeling aggrieved by any conviction, judgment or sentence of any Magistrate, may appeal to the Supreme Court, as follows:—

- (a) The Board, or a constable, if appealing, shall within ten days give written notice to the convicting Magistrate and to the defendant of its, or his, intention so to appeal, by personal service thereof or posting such notice through the mail registered.
- (b) Any other appellant shall within ten days give written notice to the convicting Magistrate and to the Board by posting said notice through the mail by registered letter, or by personal service, of his intention so to appeal, and shall within the said ten days—
- (c) Give sufficient sureties to the said Magistrate to prosecute the appeal at the next ensuing sitting of the Supreme Court, or at such time as the Supreme Court shall order, and to abide by the judgment of the Supreme Court thereon, and to pay such penalty and costs, or perform such other act, or comply with such conditions as may be ordered or imposed by it.

73. When an appeal has been perfected as afore-procedure on said,—

- (a) The judgment shall be stayed until the event of the appeal is certified to the Magistrate by the Registrar of the Supreme Court.
- (b) The Magistrate shall forthwith send a full and accurate record to the Registrar of the Supreme Court consisting of—
 - (1) The depositions, if any;
 - (2) The warrant or summons, as the case may be;

- (3) The conviction, judgment or sentence;
- (4) A copy of all the evidence taken in the case:
- (5) A statement of the nature of evidence rejected as inadmissable, and the grounds of objection thereto.
- (c) On the filing of such record, the Supreme Court, upon motion of either party, shall proceed to hear and determine such appeal, and such Court may affirm, amend, reform, correct, reverse, vary or dismiss such conviction, judgment or sentence as may appear just, and to that end may receive further evidence if deemed necessary.

Conviction, etc., not void for want of form. 74. No conviction or order shall be quashed for want of form, and no warrant or commitment shall be held void by reason of any defect therein; provided that there is a valid conviction to maintain such warrant and it is alleged in the warrant that the party has been convicted.

Certain forms of procedure not to apply.

- 75. (1) No writ of quo warranto may be granted with respect to the office held or power exercised by the Board or any member thereof.
 - (2) No writ of mandamus may be issued to order the Board or any member thereof to discharge any duty or to do any act.
 - (3) No writ of injunction may be granted to prevent, either temporarily or permanently, the Board or any of its members doing anything or carrying out any operation, or continuing to do anything or to carry out any operation.
 - (4) No writ of certiorari may be granted to remove

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any action or proceeding instituted under this Act.

- (5) No writ of prohibition may be issued with respect to anything done or proposed to be done under this Act.
- 76. (1) Every Stipendiary Magistrate who has collect-Disposition of ed any fine or costs shall pay the same over fines. through the department of Justice to the Board at the end of the calendar month in which such collection was made if no appeal be taken from the judgment entered; and, in case of appeal at the end of the calendar month within which final judgment is given. On failure so to do the said Stipendiary Magistrate shall be liable to a fine of one dollar for every day he neglects to make such remittance after the expiration of such calendar month.
 - (2) The net amount of any fine recovered under the Act after deducting the expenses of prosecution shall be divided by the Board as follows:
 - (a) In the case of a prosecution by any constable for breaches of Sections 23, 25 and 34 of the Act one-third to the Chief Officer of Constabulary for such constable, one-third to the said Chief Officer for the Constabulary Widows' and Orphans' Relief Fund, and one-third to be retained by the Board as part of its revenue.
 - (1) In the case of any other prosecution the whole shall be retained by the Board as part of its revenue.

Convictions 77. In any question relating to number of convictions under previous Acts. Cap. 19 The Alcoholic Liquors Act, 1933 23 & 24 Geo. V.

or previous convictions, convictions under the Acts hereby repealed shall be taken into account.

Short Title. 78. This Act may be cited as "The Alcoholic Liquors Act, 1933."

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Repeal. 79. The Acts 15 George V., Chapter 9 and 20 Geo. V., Chap. 8 (The Alcoholic Liquor Acts 1924-29) are hereby repealed.

CAP. XX.

AN ACT RESPECTING AN AMENDMENT TO CHAPTER 195 OF THE CONSOLIDATED STATUTES (3rd SERIES) ENTITLED "OF ACCIDENT INSURANCE COMPANIES"

(Passed May 23, 1933)

SECTION

1.—Amendment of Sec. 1 of 2.—Amendment of Schedule. Ed. VII., Cap. 6.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 1 of Chapter 195 of the Consolidated Stat-Amendment of utes (3rd Series) entitled "Of Accident Insurance Com-Sec. 1 of Ed. panies" is hereby amended by adding after the words "accident, guarantee or fidelity insurance" the words "or insurance on motor vehicles or against accidents occurring during the operation of motor vehicles, insurance against riots or risks arising therefrom or insurance on plate glass."
- 2. The Schedule to the said Chapter is hereby repealed and the following substituted therefor:

Amendment of Schedule.

SCHEDULE

 Number and amount of accident policies in force in Newfoundland.

Number and amount of new policies issued during the year.

Premium income during the year.

- Number and amount of claims paid for accidents and deaths during the year.
- 2. Number and amount of guarantee and fidelity policies in force in Newfoundland.
 - Number and amount of new policies issued during the year.

Premium income during the year.

- Number and amount of claims paid during the year.
- 3. Number and amount of motor vehicle policies in force in Newfoundland.
 - Number and amount of new policies issued during the year.

Premium income for year.

- Number and amount of claims paid during the year.
- 4. Number and amount of policies in respect of riots in force in Newfoundland. .
 - Number and amount of new policies issued during the year.

Premium income for year.

- Number and amount of claims paid during the year.
- 5. Number and amount of plate glass policies in force in Newfoundland.
 - Number and amount of new policies issued during the year.

Premium income for year.

Number and amount of claims paid during the year.

CAP. XXI.

AN ACT TO AMEND THE JUDICATURE ACT

SECTION

Resealing of British Dominion and Colonial Probates and Letters of Administration.

SECTION

2.—Repeal

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

(Passed May 1, 1933)

1. Section 185 of Chapter 83 of the Consolidated
Statutes (3rd Series) entitled "Of the Supreme Court Resealing of British Dominand Procedure therein" is hereby repealed and the folion and Colonial lowing substituted therefor:

Probates and Letters of Ad-

185. (1) In this section, unless the context otherwise ministration. requires:—

Court of Probate means any Court, under whatever name designated, having jurisdiction in matters of probate and administration.

Probate and letters of administration include confirmation in Scotland and any instrument having in a British possession the same general effect as letters of probate and letters of administration have in Newfoundland.

British possession includes the Dominions and any part of a Dominion having a separate Court or Courts of Probate.

British Court in a foreign country means any British Court having jurisdiction out

- of the King's Dominions in pursuance of an order of His Majesty in Council, whether made under any Act or otherwise.
- (2) The Governor in Council on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of this Dominion, may by Order in Council direct that this section shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this section shall apply accordingly.
- (3) Where a Court of Probate in the United Kingdom or in Northern Ireland, or in a British possession to which this section applies, has granted probate or letters of administration in respect of the estate of a deceased person; and application is made to the Court or a Judge in accordance with the provisions of Section 173 of this Chapter, with the probate or letters so granted annexed thereto, the Court or Judge may order that upon the deposit of a copy of such probate or letters in the Registry, such probate or letters may be sealed with the seal of the Supreme Court and thereupon the probate or letters shall be of like force and effect and have the same operation in this Dominion as probate or letters of administration granted in this Dominion; provided that the Court or a Judge before sealing a probate or letters of administration under this section may:
 - (a) require such evidence, if any, as it or

he thinks fit as to the domicile of the deceased person;

- (b) in the case of letters of administration. require that security shall be given for any sum sufficient in amount to cover the property, if any, in Newfoundland, to which the letters of administration relate;
- (c) require a certificate from the proper Department showing that the amount of death duty, or any other like duty or tax which may be imposed with respect to so much of the estate as may be liable for the same in this Dominion has been paid or that security has been given for the same;
- (d) require, on the application of any creditor, that adequate security be given for the payment of debts due from the estate to creditors residing in this Dominion.
- (4) This section shall extend to authorize the dealing as hereinbefore mentioned with any probate or letters of administration granted by a British Court in a foreign country in like manner as it authorizes the dealing with a probate or letters of administration granted in a British possession to which this section applies, and the provisions of this section shall apply accordingly with the necessary modifications.
- (5) Every Order in Council made under this section shall be published in the *Newfound-land Gazette* and the Governor in Council may by Order in Council alter or revoke

- any Order in Council previously made under this section.
- (6) This section when applied by Order in Council to any British possession shall, subject to the provisions of the Order, apply to probate and letters of administration, granted in that possession either before or after its coming into operation.
- (7) For the purposes of this section a duplicate of any probate or letters of administration sealed with the seal of the Court of Probate granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

Repeal

2. Section 186 of the said Chapter is hereby repealed.

CAP. XXII.

AN ACT TO AMEND THE SUMMARY JURISDIC-TION ACT 1930

(Passed July 7, 1933)

1.—Attempts triable summarily.

SECTION
2.—Special provisions as to Labrador.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Whenever under the provisions of the Summary Attempts Jurisdiction Act 1930 or this Act any offence is triable triable summarily, an attempt to commit the said offence shall be summarily. triable summarily, subject to the same conditions.
- 2. There shall be deemed to be added to the offences special proset forth in Part IV. of the Third Schedule to the said Act, visions as to Labrador. as amended by the Act 22 George V., Cap. 16, for the purposes of the administration of law in Labrador only, the following offences:

Perjury.

Offences under sections 61 and 62 of the offences against the Person Act 1861.

Offences under section 11 of the Criminal Law Amendment Act, 1885.

CAP. XXIII.

AN ACT RELATING TO JUSTICES OF THE PEACE

(Passed May 23, 1933)

SECTION

- 1. —Interpretation.
- 2.—Appointment of Justices.
- 3.—Individual Commissions abolished.
- 4.—Commissions of the Peace.
- 5.—Custody of Commissions; posting of copies.
- 6.—Alteration and renewal

SECTION

- of Commissions.
- 7.—Removal of Justices.
- 8.—Appointment, how completed; oath of office.
- 9.—Jurisdiction of Justices.
- 10.—Temporary Justices.
- 11.—When act to come into force.
- 12.—Short Title.

(Passed May 23, 1933)

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Interpretation.

- 1. In this Act
 - (1) The word "Justice" means a Justice of the Peace.
 - (2) The word "district" means the district or area prescribed and delimited by the Minister of Justice, in and over which a Stipendiary Magistrate ordinarily exercises his functions.

Appointment of Justices.

2. From and after the coming into force of this Act, Justices shall be appointed by the Governor in Council for a District upon the recommendation of the Minister of Justice, who shall make such recommendation only after full enquiry into the character, ability and reputation of the person recommended; and without prejudice to the generality of the foregoing the Minister shall submit to the Stipendiary Magistrate for the district and to the ex-

isting Justices of the district the name of the person proposed and shall obtain their views before making a recommendation.

- 3. The practice of issuing separate Commissions to $\frac{\text{Individual}}{\text{Commissions}}$ Justices is hereby abolished. abolished.
- 4. There shall be a Commission of the Peace for each Commissions of district, in which shall be inserted the names of the judges the Peace. of the Supreme Court, the Judges of the District Courts, and the Stipendiary Magistrates for the Dominion, ex officio, and the names of the Justices for such district. The Minister of Justice shall from time to time fix a quota of Justices for each district, arranged by towns or settlements, and so long as such quota is complete, no new appointment (other than a temporary appointment) shall be made except in case of a vacancy in the town or settlement concerned.
- 5. The original Commissions of the Peace shall be kept Custody of Commissions in the Department of Justice; and copies thereof shall be posting of kept posted up in the Court Houses or other suitable copies. public places in the districts.
- 6. Names may be added to or taken from any Com-Alteration and mission at any time in pursuance of appointments and renewal of dismissals: and new Commissions may be issued from Commissions. time to time as may be convenient. The Stipendiary Magistrates shall be instructed to alter or replace the posted copies accordingly.
- 7. The name of any Justice, other than a Justice, exofficio, who shall cease to reside in the district in which Removal of he is appointed to act shall be removed by the Governor in Council from the Commission of the Peace on which it appears; and the name of any Justice may at any time be removed by the Governor in Council for any other cause, upon the recommendation of the Minister of Justice.

Appointment, how completed; oath of other.

8. The appointment of a Justice shall be complete upon the insertion of his name in the Commission of the Peace and upon his taking the oath of office, which shall be taken in open Court before a Stipendiary Magistrate or two Justices; and no dedimus shall be necessary; but the Magistrate or Justices shall report to the Minister of Justice that he has taken the oath before him or them.

Jurisdiction of Justices.

9. Any process issued by any Justice shall be valid and effective throughout the Dominion without being backed by a Justice of any other District.

Temporary Justices.

When Act to come into force.

11. This Act shall come into force on the first day of October, 1933; and upon the issue of Commissions of the Peace for the several Districts the Commissions of all existing Justices, other than those whose names shall appear in such Commissions, shall lapse.

Chart Title.

12. This Act may be cited as the Justices Act, 1933.

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CAP. XXIV.

AN ACT TO AMEND CHAPTER 111 OF THE CON-SOLIDATED STATUTES 1916 ENTITLED "OF THE REGISTRATION OF DEEDS AND OTHER DOCUMENTS."

(Passed May 23, 1933)

SECTION 1.—Amendment of Sec. 11, Cap. 111 Consolidated Statutes (Third Series).

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Section 17 of Chapter 111 of the Consolidated Statutes 1916 is hereby repealed and the following substituted Sec. 17, Cap. therefor:

- 17. (1) If any witness to any instrument, or any party executing such instrument, after tender of such fees as are paid to a witness attending a trial, refuses to attend for the purpose of proving the execution of same before any person aforesaid, before whom such proof may be given, or
 - (2) If any person having possession of any instrument required to be registered refuses to produce the same in order that it may be registered;

Any person claiming to be interested in having such instrument registered may take out an originating summons, returnable before a Judge of the Supreme Court, for an order directing the attendance of such witness, or such party or the production of such instrument and the Judge may hear and determine such application in a summary manner, and make an order for the attendance of such witness, or such party or the production of such instrument or may dismiss the application, and in any case with costs, at his discretion.

- (3) Disobedience to any order so made may be punished as a contempt of Court;
- (4) No person shall, on such application, be compelled to produce any instrument which he would not be compelled to produce on a trial.

CAP, XXV.

AN ACT FURTHER TO AMEND CHAPTER 125 OF THE CONSOLIDATED STATUTES SERIES) ENTITLED "OF TRUSTEES."

(Passed July 7, 1933)

SECTION

- 1.—Amendment of Section 1 Cap. 125, power to invest on mortgage. 2.—Amendment of Section 2
- of Cap. 125.

SECTION

- 3.—Amendment of Section 5 of Capt. 125; terms of mortgage. 4.—Short Title.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 1 of Chapter 125 of the Consolidated Stat-Amendment of utes (Third Series) entitled "Of Trustees" as re-enacted Section 1 of by the Act 16-17 George V., Chapter 17, and as further cap. 125; power to invest on amended by the Act 22 George V., Second Session, Chap-mortgage. ter 13, is hereby amended by adding thereto the following as sub-section 6:

- (6) Upon first mortgage of land within the municipal limits of the City of St. John's.
- 2. Section 2 of the said Chapter is hereby amended by striking out the words "any of the securities mentioned Section 2 of or referred to in Section 1 of this Chapter' and inserting Cap. 125. instead the words "any of the securities mentioned or referred to in paragraphs 1 to 5 inclusive of Section 1 of this Chapter."

3. Section 5 of the said Chapter is hereby amended Cap. 125; terms by adding thereto as sub-section (3) the following:—

Amendment of Section 5 of of mortgage.

(3) Trustees lending money on the security of any property on which they can lawfully lend may contract that such money shall not be called in during any period not exceeding seven years from the time when the loan was made, provided interest be paid within a specified time not exceeding thirty days after every half-yearly or other day on which it becomes due, and provided there be no breach of any covenant by the mortgagor contained in the instrument of mortgage or charge for the maintenance and protection of the property.

Short Title.

4. This Act shall be read with the said Chapter 125 and amending Acts; and the said Chapter and amending Acts and this Act may be cited together as "The Trustees Act."

CAP. XXVI.

AN ACT FURTHER TO AMEND CHAPTER 105 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF LOTTERIES."

(Passed July 7, 1933)

SECTION

1.—Special permit to Regatta Committee.

SECTION 2.—Short Title.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Section 6 of Chapter 105 of the Consolidated Stat-Special permit utes (Third Series) entitled "Of Lotteries" as re-enacted to Regatta by the Act 22 George V., Second Session, Chapter 10, is Committee. hereby amended by adding to sub-section 2 of the said Section 6 the following additional paragraph lettered (d).

(d) It shall be lawful for the Licensing Board to issue to the Committee in charge of the St. John's Annual Regatta a permit to conduct at Quidi Vidi Lake on Regatta Day such number of games of chance as the Board may think fit. It shall be a part of the conditions of such license: that the Regatta Committee shall nominate or approve the person to be in charge of every such game, and shall receive the gross proceeds of every such game; out of which the Committee may pay the necessary expenses of the same, including reasonable remuneration of the person placed in charge, and shall retain the whole balance towards defraying the expenses of the Regatta, which may for this pur-

pose include, if the Committee thinks fit, subscriptions or subsidies towards the upkeep of boats used in the Regatta: and that the Committee shall give a note or authority in writing to the person in charge of each game, which shall be his authority to conduct the same: and that the Committee shall furnish to the Licensing Board within ten days after the Regatta an account, verified on oath, showing in detail the receipts and disbursements in connection with games of chance conducted under the permit.

Short Title.

2. The said Chapter 105 and the Act 12 George V., Chapter 19, entitled "An Act to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries" and the Act 22 George V., Second Session, Chapter 10, entitled "An Act further to Amend Chapter 105 of the Consolidated Statutes (Third Series) entitled "Of Lotteries" and this Act may be cited together as "The Lotteries Act."

CAP. XXVII.

AN ACT TO AMEND THE DEPARTMENT OF PUBLIC WORKS ACT, 1932.

(Passed July 7, 1933)

SECTION 1 .- Sign-boards, etc., near highways.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

- 1. Section 48 of the Act 22 George V. (Second Session), Chapter 21 (The Department of Public Works Act, Sign-boards, 1932), is hereby amended by adding thereto the following etc., near highways. sub-sections as sub-sections (3) and (4):
 - (3) No person shall erect or keep up within one hundred yards of any highway, not being within the limits of the municipality, any sign, sign-board or hoarding displaying any advertisement in such a manner that the same is visible from such highway, without the permission in writing of the Minister of Public Works, and the said Minister with the advice of the Highroads Board may permit, with or without modifications, or prohibit the erection or keeping up of such sign, sign-board or hoarding, or may order the removal of any existing sign, sign-board, or hoarding for the display of advertisement, and any person erecting or keeping up any such sign, sign-board or hoarding for the display of advertisements which has been prohibited, or the removal of which has been ordered by the Minister shall be liable on summary conviction to a fine of one dollar for every day that such sign, sign-board or hoarding is kept up.

(4) Nothing in the preceding sub-section shall be be held to prevent the erection or keeping up at or within a reasonable distance of the premises of the owner thereof any plain lettered sign, showing the name, business description and business of the owner, including any name give to any Inn or place of resort for business purposes.

CAP, XXVIII.

AN ACT (NO. 2, 1933) TO FURTHER AMEND THE PUBLIC WORKS ACT, 1932

(Passed July 7, 1933)

SECTION 1.—Oil tax to be paid to Minister of Public

WHEREAS by an act passed in the present Session of the Legislature an import duty of one cent per gallon has been imposed upon kerosene oil and gasolene;

AND WHEREAS it is intended that the revenue collected from the said tax shall be used exclusively for roads purposes;

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. The Minister of Finance and Customs shall pay Oil tax to be over to the Minister of Public Works as Chairman of the paid to Min-Highroads Board the revenue collected from the tax of one Works. cent per gallon imposed respectively on kerosene oil and gasolene as and when the same shall have been collected by the Minister of Finance and Customs.

CAP. XXIX.

AN ACT RESPECTING LOCAL GOVERNMENT.

(Passed July 7, 1933)

SECTION

- 1.-Short Title.
- 2.—Erection of Municipal Corporations by Governor-in-Council.
- 3.—Requirements as to population.4.—Constitution and powers
- of Corporation.
- 5.—Council; how appointed;
 Mayor or Chairman.
- 6.—Qualification of Councillors.
- 7.—Introduction of elective system.
- 8.—Council to make provision for elections.
- 9.—Filling and vacancies.
- 10.—Divisions to be divided into wards.
- 11.—Election to be at meetings.
- 12.—Provision for election when Council fails to make.
- 13.—Expenses of election.
- 14.—Disqualifications for office of Councillor.
- 15.—Persons exempt from service.
- 16.—Obligation to serve.
- 17.—Void election where candidate unqualified.
- 18.—Vacation of Seats.
- 19.—Resignation of Councillors.
- 20.—Oath of office.
- 21.—Common Seal.
- 22.—Meetings of Council.
- 23.—Salary of Chief Executive Officer.
- 24.—Clerk of Council.
- 25.—Books and records to be open to inspection.

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- 26.—Officers and servants.
- 27.—Remuneration of clerk and officers.
- 28. -Auditors.
- 29.—Disqualifications for office of Auditor.
- 30.—Matters to be audited.
- 31.—Authority of Auditors. 32.—Vacation of offices.
- 33.—Suspension of officers.
- 34.—Revenues of Council.
- 35.—Poll Tax.
- 36.—Amusement Tax.
- 37.—Penalty for failure to take out license.
- 38.—Taxes to be preferential.
- 39.—Alteration of taxes.
- 40.—Tax on foreign builders and contractors.
- 41.—Licenses to be issued.
- 42.—Penalty for breach of Sec. 40.
- 43.—Fire Insurance Tax.
- 44.—Real property and business tax.
- 45.—Real property tax.
- 46.—Tax on stock in trade.
- 47.—Taxes to bear interest when in arrears.
- 48.—Discounts for full payment.
- 49.—Appraisement.
- 50.—Courts of Revision.
- 51.—Times of Appraisement.
- 52.—Appraisements on new buildings.
- 53.—Appraisements to continue till new appraisement made.
- 54.—Taxes, when to be payable.
- 55.—Special assessment of wards.
- 56.—Temporary loans.

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SECTION

- 57.—Exemptions from taxa-
- 58.—Property not subject to taxation.
- 59.—Purposes for which Couneil may spend money.
- 60.-Control of Streets, etc.
- 61.—Laying out and maintenance of streets.
- 62.—Streets not to be broken without consent of Council.
- 63.—Fences.
- 64.—Sewers.
- 65.—Expropriation of property for sewers.
- 66.—Public Health.
- 67.—Health Regulations.
- 68.—By-laws.
- 69.—Taking of lands municipal purposes.
- 70.-Procedure where owner unknown.
- 71.—Arbitration.
- 72.—Acquirement of title by Council.

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- 73.—Council may suspend or abandon if compensation too heavy.
- 74.—Payment into Court in certain cases.
- 75.—Arbitrators to be disinterested persons.
- 76.—Compensation of Arbitrators.
- 77.—Firewardens; their dut-
- 78.—Powers of Firewardens.
- 79.—Powers of Firewardens.
- 80.—Engines, hose, etc.
- 81.—Fire Constables.
- 82.—Control of private Fire Companies.
- 83.-Powers of Fire Companies.
- 84.—Actions against Councils.
- 85.—Recovery of penalties.
- 86.-Board of Control.
- 87.--
- 88.—Repeal.
- Schedule.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. This Act may be cited as "The Local Government Act. 1933."

Short Title.

2. The Governor in Council may, by proclamation in the Newfoundland Gazette, declare the inhabitants $\frac{\text{Erection of }}{\text{Municipal}}$ of any town, village, or any number of contiguous pla- Corporations ces, a body corporate, by the name of "The Town," by Governor-in-Council. ("village" or "division" as the case may be) of— The proclamation shall describe by boundaries the area whose inhabitants are incorporated, and the bundaries may be altered by similar proclamations, from time to time.

Requirements as to population.

3. A corporation shall not be proclaimed as a town for any area with a less population than one thousand persons, nor as a village or division for an area with a less population than five hundred persons.

Constitution and powers of petual succession and a common seal, and be capable of suing and being sued by its corporate name, and of purchasing, acquiring and holding property, for the use of the corporation, and with the consent of the Board of Control, of mortgaging, selling and conveying the same, and of making and entering into all contracts necessary for the exercise of its corporate functions.

APPOINTED COUNCILS

- Council; how appointed; Mayor or Chairman.
- 5. (1) Every corporation shall be governed by a Council, consisting in the case of a town, of not more than six Councillors, in the case of a village of not more than four Councillors, and in the case of a division of such number of Councillors as the Governor in Council shall direct by the proclamation creating such division, or by any subsequent proclamation in the Newfoundland Gazette.
 - (2) The first Council of every corporation shall be appointed in the first instance by the Governor in Council, by the proclamation creating the corporation, and the members, or any of them, so appointed, may be removed, and others appointed instead thereof, or in case of vacancies from any other cause, members may be appointed to fill such vacancies by the Governor in Council, from time to time, by proclamation in the Newfoundland Gazette.

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- (3) Appointed Councillors shall hold office for two years from the date of appointment, but shall be qualified for re-appointment.
- (4) The Governor in Council may, by the proclamation appointing a Council, appoint one of its number to be Mayor of a town, or Chairman of a village or division, as the case may be, who shall be the Chief Executive Officer of the Council, and preside over its meetings; when he is absent from meetings, a temporary Chairman may be elected by the Councillors present.
- 6. No person shall be a Councillor who is not a Qualification British subject, resident for at least two years immedi-of Councillors. ately previous to appointment or election in the area over which the Council has jurisdiction.

ELECTED COUNCILS

7. (1) If no petition for the appointment of Coun-Introduction cillors by election shall be received, the of elective Governor in Council shall continue to ap-system. point a new Council every two years, retiring members being eligible for reappointment. If however in any year in which the term of a Council expires, one-half or more of the registered voters resident within any area shall, at least two months before the expiration of the term of the Council for such area, petition the Governor in Council that the choice of Councillors be made elective, the Governor in Council may order that an elective system be introduced in such area, and an election shall be held accordingly.

- (2) Before such election the existing Councillors shall draw lots to determine who shall retire; and in the case of a Council consisting of an even number, one-half shall retire; in the case of a Council consisting of an odd number, the nearest number over half (as three out of five, or four out of seven) shall retire; and the term of the remainder shall stand extended for one year. The election shall be held to fill the vacancies only, and the elected members shall be elected for two vears. At the end of the next year an election shall be held to fill the places of those whose terms have then expired; and so on from year to year, so that in the case of an even number of seats, one half will be filled by election annually, and in the case of an odd number of seats, the nearest number above half and the nearest number under half will be filled by election alternately in successive years.
- (3) In a case where the seat of any Councillor is vacant at the time of drawing lots, it shall be counted as one of the retirements.
- (1) In the case of a division consisting of several villages, each of which is a ward, a separate meeting shall be held in each ward to elect the Councillor for that ward, and where the seat of the Councillor for any village is not vacant in that year, no election will be held in such village.
- (5) Retiring Councillors shall be eligible for reelection.
- (6) All persons resident in the area qualified to

vote at an election of members for the House of Assembly shall be eligible to vote at an election for Councillor provided that the said persons are in good standing upon the books of the Council.

8. An elected Council shall in due time before the Council to expiry of two years in office make proper provision for make provisthe election of its successor, on the first week day in ion for elec-December in the second year after its own election.

Cap. 29

9. If a vacancy occur in the office of an elected Filling and vacancies. Councillor, the Council shall forthwith appoint a time to fill such office by election, provided that if such vacancy occur within six months of the time for the next regular annual election, the Council may in its discretion leave the vacancy unfilled. Any person elected to fill a vacancy shall hold office only for the period for which his predecessor was elected.

10. For the purpose of an election to a Division Council, an incorporated area may be divided into Division to be divided into wards, by the Proclamation creating the Division, and wards. each ward shall be entitled to be represented by such number of councillors as is provided by the Proclamation.

11. In elections for councils, the vote shall be taken Elections to at meetings called for the purpose by the Town village be at meetor division Council; the regulations for the holding of ings. such elections shall be made by the Governor in Council, and after publication in the Newfoundland Gazette, shall have the force and effect of law. Different regulations may be provided for different places or classes of places as may seem convenient.

12. If any council shall fail to make due prepara- Provision for tions for any election, or shall fail to hold the same, Council fails the Board of Control may cause an election to be con- to make.

ducted by a Justice of the Peace as soon as is conveniently possible, after the date on which an election ought to have been held.

EXPENSES OF ELECTION

Expenses of elections.

13. The cost and expenses of every election under this Act shall be borne by the corporation for which such election is held and may be paid out of any moneys granted, voted, allottable to or in the control of the council of such corporations.

DISQUALIFICATIONS

14. The following persons shall not be qualified to Disqualifications for office of Council—

- (a) A Judge of the Supreme Court or of a District Court, or a Stipendiary Magistrate;
- (b) Any member of the Legislature;
- (c) Consuls and Vice Consuls representing any foreign country;
- (d) Any member of the Civil Service of the Dominion appointed by the Governor in Council, with a salary paid out of the Consolidated Revenue Fund;
- (e) Any person who has a contract or share or interest in a contract with the council;
- (f) Any person who has at any time been convicted of a felony or indictable misdemeanor;
 - g) Any undischarged insolvent;

- (h) Any person who has made a general assignment for the benefit of his creditors, without a release from such creditors;
- (i) Any person who has not fully paid any rates or taxes;
- (j) Any person who has received relief from the public funds during one year preceding the elections.

EXEMPTION FROM SERVICE

Persons ex-

- 15. Except with their consent the following per- empt from service. sons shall not be appointed, nominated or elected to the council, and shall be exempt from serving in any office under the council:
 - (a) Teachers actually engaged in teaching;
 - (b) Persons more than sixty years of age.

OBLIGATION TO SERVE

16. Any qualified person, not exempt from service, Obligation to who is appointed or elected a councillor, and refuses to serve. serve in such office or to take the oath of office, shall thereupon and thereby vacate such office.

VOID ELECTION

17. If an unqualified person be appointed or elected as a Councillor, such appointment or election shall Wood election where candibe void, and if any such person shall presume to sit or date unqualivote as a member of a Council, knowing his disqualifi-fied. cations, he shall forfeit the sum of Fifty dollars for each time he shall so sit or vote, which penalty may be recovered by any person summarily before a Stipendiary Magistrate and shall be paid to the Council.

VACATION OF SEAT

Vacation of seats.

18. If any Councillor shall accept any office, place or employment of emolument or pecuniary advantage other than that of clerk from or under a Council, of which he is a member, or shall derive any profit from the Council whether by contract or otherwise, directly or indirectly, he shall thereupon cease to be a member of the council and his seat become vacant, and thereafter for each time he shall presume to sit or vote he shall forfeit the sum of fifty dollars to be recovered and disbursed as mentioned in the preceding section. The seat of a Councillor shall become vacant if he dies, resigns or ceases to reside within the incorporated area, or has without leave absented himself for a period of six months from meeting of the council; or becomes disqualified to serve as a councillor under any provisions of this Act.

Resignation of by delivering his resignation in writing to the Council.

OATH OF OFFICE

20. No person appointed or elected a Councillor Oath of office. or a Clerk of a Council shall act in that capacity until he has taken and subscribed before a Justice of the Peace the oath of allegiance to His Majesty, and of office and qualification which shall be taken and subscribed within ten days after notice of appointment or election, or within such extended time as the council allows, as follows: "I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors forever; that I am duly qualified by law to fill the office of (name of office); that I will faithfully perform the duties of such office to the best of my ability; so help me God." In default of taking such oath, such person shall be deemed to have refused to accept the office of councillor.

COMMON SEAL

- 21. The Council shall have a comomn seal, which Common Seal. shall be made of suitable metal, and shall have such device engraved upon it as the Council from time to time orders, and such seal shall be kept by the clerk. All deeds or documents to which the corporation is a party, and to which a seal is requisite, shall be authenticated by the corporation seal, and the Chief Executive Officer and Clerk of the Council shall, when duly authorized by resolution, affix the seal and sign the deed or document.
 - 22. (1) Meeting of council may be called by the Meetings of Chief Executive officer as often as he deems necessary; and when requested so to do by a majority of the council, in writing, the Chief Executive officer shall call a meeting of councillors within three days thereafter, and in the event of his refusal or neglect to do so, such majority may appoint a time and place for holding such meeting, and notify the Chief Executive officer and the other members of the council thereof, and the meeting so called shall have the same power and authority as if the same had been summoned by the Chief Executive officer.
 - (2) A majority of the members of the council shall constitute a quorum.
 - (3) The Chief Executive officer shall preside at all meetings of the council at which he is present, and in his absence the council shall elect a chairman from their number, who shall preside during such absence.
 - (4) Every council shall meet once a month, and oftener if it shall deem necessary.

(5) All questions arising in the Council shall be decided by a majority of votes, and the Chief Executive officer shall have a right to vote on all questions before the Council; and in the event of a tie, the questions voted on shall be determined in the negative.

Salary of Chief Executive Officer. 23. The Chief Executive Officer may, with the approval of the Board of Control be paid such salary as may be fixed by the Council.

OFFICERS

The Clerk

Clerk of Council.

- 24. Every Council shall appoint a clerk, who may be one of the members of the Council or not, and who shall hold office during the pleasure of the Council.
 - (a) The clerk shall truly record in a book all proceedings of the Council, and shall keep safely all books, records and accounts of the Council, and copies of all by-laws, either in his office, or in a place appointed for such purpose by the Council.
 - (b) The clerk shall, until the Council otherwise prescribes by by-laws, perform the duties appertaining to the office of Treasurer, Collector of Rates, and any other duties that are from time to time required of him by Council.

Books and records to be open to inspection.

25. The books, records and accounts of the Council, and of any Committee thereof, and of the clerk or any officer of the Council, shall be open without fee to the inspection at all reasonable times to any member of the incorporated body.

- 26. The council may appoint such officers and ser- Officers and vants as it deems necessary, who shall hold office dur-servants. ing pleasure and may be dismissed at any time by the council.
- 27. The clerk or any other officer of the Council, Remuneration shall receive such salary as the council shall by resolu- of clerk and officers. tion prescribe.

AUDITORS

- 28. (1) Every council shall at every annual meeting Auditors. appoint one or more persons to be auditors.
 - (2) No person shall be appointed auditor unless he has the qualification required for a councillor.
- 29. (1) No person who is at the date of, or at any Disqualificatime within a year previous to the date of tions for office his appointment, a councillor, or who is at of Auditor. the date of appointment, clerk or treasurer of the council, or collector or rates of any kind, shall be appointed auditor.
 - (2) No person who has at the date of, or had at any time within a year previous to the date of his appointment, directly or indirectly, by himself or his partner, or through any company controlled or managed by him or in which he is a shareholder, any share or interest in any contract with the council, or any employment under it, shall be appointed or act as auditor.
- 30.(1) The council shall refer to the auditors for Matters to be examination, audit and report: Audited.
 - (a) the accounts of the treasurer:

- (b) the accounts of the council and all accounts in which it is concerned; and
- (c) all other accounts which require examination and report.

Authority of Auditors.

- 31. (1) The auditors shall have authority to call for all books and vouchers which they deem necessary to enable them properly to audit any such accounts.
 - (2) The auditors shall perform their duties as such in the office of the clerk, or in such other place as the council may direct and may be paid therefor such sum as the council may direct.
 - (3) The financial year shall end on the 31st day of December, and all accounts of moneys received and disbursed for the year shall be made up by the clerk and submitted to the auditors not later than one week after the end of the year.
 - (4) The Council shall, upon the report of the auditors, finally pass and allow the accounts, if the same are found to the satisfaction of the Council to be correct.
 - (5) A certified copy of such accounts, with the certificate of the auditors shall be sent by registered post to the Comptroller and Auditor General of Newfoundland and to the Board of Control as soon as the audit is complete.

Vacation of offices.

32. Any office shall be deemed vacant when the person appointed or elected thereto—

- (a) dies, resigns or removes from the incorporated area; or
- (b) neglects or refuses to take within ten days after notice to him of his appointment an oath of office in the terms required by section 21 hereunder: or
- (c) neglects or refuses, after notice from the council requiring him to perform any duty of such office, to perform the same;
- (d) is dismissed by the council.
- 33.(1) The council, if satisfied that any officer appointed by council has been guilty of any officers. misconduct or neglect of duty in his 'office may suspend such officer from the performance of his duties of such office, and appoint a person to act in his place until—

- (a) the Council reinstates such officer in office; or
- (b) the council dismisses such officer and appoints his successor.
- (2) The salary of such officer, and his right to the fees of his office shall cease from the date of such suspension, unless the council otherwise orders.

REVENUE

- 34. For the purpose of providing funds for ex-Revenues of enditures by a Council—
 - (a) There shall be paid to the Council such proportion of any amount voted by the Legis-

lature from time to time for the maintenance of local roads and marine works or other local purposes in the area under the jurisdition of the Council as the Governor in Council shall think expedient.

- (b) The Governor in Council may require any council to undertake the whole or any part of the responsibility for the permanent, casual or able-bodied poor, or the insane or sick, within its jurisdiction, and may pay over to such council the whole or any part of any moneys available for such service.
- (c) The Minister of Public Works may pay to the council such amount out of the funds at his disposal for highroads or mainroads, respectively, as may be prescribed by the Governor in Council from time to time, for the purpose of constructing or maintaining a highroad or main line, respectively, through any area under the control of such council. The Governor in Council may instruct the Minister to pay over to any council the whole or any part of the motor vehicle license fees in respect of vehicles owned within the jurisdiction of such council.
- (d) The Minister of Finance and Customs may pay to any council such proportion of any amount or amounts received by way of coal duties in that area as the Governor in Council may from time to time determine.

35. A Council may impose on every adult person residing or employed within its jurisdiction an annual poll tax not exceeding Two Dollars. The said poll tax shall be due and payable without demand on notice be-

Poll Tax.

tween the 15th day of October and the 15th day of November in every year, at the office of the council.

- 36. A council may impose a rate, tax or license fee Amusement upon all persons owning, operating, holding or keep-Tax. ing for hire or profit, any skating or curling rink, any theatrical, dancing, pictorial, cinematograph, or pantomime performance, or any circus, billiard tables or room, bowling alleys, or any other kind of public performances, exhibition, or amusement within the limits under jurisdiction of the council, or upon the proceeds thereof, and may vary the rate in respect of local or foreign persons.
- 37. No person or company shall carry on any of Penalty for the businesses mentioned in the next preceding section failure to without such license having been obtained, and any license. person or company carrying on any such business without license, shall be liable to a penalty not exceeding one hundred dollars in addition to any tax, rate or assessment that has been or may be imposed.
- 38. All rates, taxes, license fees and other indebt-_{Taxes} to be edness due to the Council shall be preferential charges be preferential on the property of the person or company liable for the tial. same, ranking next after debts due to the Crown.
- 39. It shall be lawful and competent for a Council Alteration of from time to time to alter and change the said rates, taxes and license fees.
- 40. Every contractor or builder, not being resitax on fordent in Newfoundland for one year immediately prior and contract to the acceptance by him of any contract for work to ors. be done within the area, shall pay to the council a license fee of one-half of one per cent. upon the gross amount of such contract and additions thereto, but not less in any case than the sum of fifty dollars. The estimated amount of such license fee shall be paid on the

acceptance of the contract, and the balance, if any, shall be paid by or refunded to the said contractor or builder on the completion of the contract, upon the ultimate ascertainment of the gross amount of such contract. The person or company for whom the said work is performed, or who is responsible for the payments of the contractor under the said contract, shall be bound to see that the contractor or builder has paid the said license fee, and if the said contractor or builder has failed to do so, shall deduct from the moneys payable to him under the said contract the amount of the said license fee, and pay the same over to the Council.

Licenses to be issued.

41. The Council shall issue to the party paying any of the license fees provided in the foregoing sections a license permitting or authorizing the having, keeping, or using the article or property, or carrying on the business in respect of which the said fee is payable, and no person or company shall have, keep, or use any such article or property or carry on any such business until such license has been obtained.

Penalty for breach of Sec. 40.

42. Any person or company, contravening the provisions of section 40 shall be liable, in addition to payment of the license fee, to a penalty not exceeding one hundred dollars, recoverable by summary process before a Stipendiary Magistrate.

Fire Insurance Tax.

- 43. (1) All fire insurance companies doing business or taking risks in the area under the jurisdiction of a council shall on or before the fifteenth day of February in every year pay to the council an assessment of two per cent. on all premiums of insurance against fire upon property situated within the area collected by them during the previous year.
 - (2) The agent or representative of each of the said fire insurance companies shall, in the

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month of January of each year, make affidavit before a Justice of the Peace, setting forth the amount actually received by the said company during the year ending the thirty-first day of December next preceding for premiums of insurance against fire upon property situated within the limits, which affidavit shall be deposited with the Clerk on or before the last day of the said month of January.

(3) Such companies shall not add this tax to the premium charged for fire insurance.

REAL PROPERTY AND BUSINESS TAX

44. If and when a Council has made it appear to Real properthe satisfaction of the Board of Control that it is in the ty and busibest interests of an incorporated area, that the council of such area shall thereafter have power to impose a property tax or business tax, or both of them, the Governor in Council may vest in the council of such area, the right to exercise thereafter the powers set forth in respect of such taxes as set forth in the following sections.

45. There shall be paid by the owners of all real reproperty within the limits of the area under the juris-erty tax. distion of a Council, an annual tax, to be fixed, levied and imposed by the Council whenever the Council shall so decide, and subject as to the rate and the purposes for which it is to be raised, to the approval of the Board of Control, of a percentage on the assessed value thereof.

(a) Real property includes:—

1:

- (1) Land either vacant or occupied;
- (2) All buildings and any part of any

building, and all machinery and fixtures erected or placed therein or thereon, in, over, under or affixed to land;

- (3) All structures and fixtures erected or placed upon, in, over, under, or which are affixed to any highway, lane or other public communication or water, but not the rolling stock of any railway, electric railway, tramway or street railway.
- (b) The word "owner" may include legal and equitable owners, or part owners, or persons entitled to be owners or part owners, whether legal or equitable.
- (c) If at the time of the assessment or the imposition of a tax hereunder any land shall have been let by the owner, he shall be entitled to add to the rental thereof, and to recover from the tenant, one half of the tax payable by such owner in respect of such land during the continuance of such tenancy.

Tax on stock in trade.

46. The Council may also levy, impose, collect and receive upon and from the occupier of every shop, store, warehouse, saw-mill, pulp or paper mill or other factory where goods, lumber, pulp, paper or other merchandise and stock-in-trade is kept, an annual tax not exceeding twenty cents per hundred dollars on the average value of such stock-in-trade, and every such occupier may be required to furnish to the Council, or any appraiser, upon request, written information as to the value of such stock-in-trade; provided that such stock-in-trade is not exempted by any special Act referring thereto.

- 47. All rates, taxes and assessments shall bear in Taxes to bear terest at the rate of six per cent. per annum, which in arrears. interest shall begin to run one year after such rates, taxes and assessments shall have become due.
- 48. The Council may allow such discount as it shall Discounts for think fit or expedient upon all rates, taxes and assess-full payment. ments as are voluntarily paid within three months after the same shall have become due and payable.

APPRAISEMENT

- 49. (1) For the purpose of providing a basis and Appraisement. means by which to fix, establish and impose such rates, taxes and assessments, the Council shall have power and authority to appoint one or more appraisers, who shall first be sworn before a Justice of the Peace, faithfully to discharge the duties of their office. to appraise, determine and return to the Council from time to time as the Council shall order, the amounts and values of all lands and buildings, stock-in-trade and other things taxable hereunder, and the books containing such appraisements shall be deposited with the Council, or with such official or clerk as the Council may appoint, and shall be open at all reasonable business hours to the inspection of the public at the offices of the Council.
 - (2) Any person dissatisfied with any such appraisement or valuation may within one month after the receipt of notice of same, by giving notice in writing to the Council, object to such appraisement in respect to any property in which he may be interested, and shall be entitled to be heard in connection therewith.

Courts of Revision.

'50. The Governor in Council may appoint from time to time one or more persons to be a Court of Revision for the purpose of revising and adjudicating upon any or all such appraisements. The decision of such Court of Revision shall be final. Publication of the appointment of any Court of Revision shall be made in the Newfoundland Gazette.

Times of Appraisement.

51. Appraisements shall be made from time to time as the Council shall order, and shall be made not less frequently than every three years from the time of the first appraisement, in the months of October, November or December, unless the Council shall otherwise order.

Appraisements on new buildings.

52. In the case of new buildings erected after any appraisement shall have been made, or of buildings taken in by reason of any extension of the boundaries of the area, the Council may at any time order a special appraisement of any such new buildings or buildings so taken in, and likewise in the case of any lands or buildings omitted from any appraisement made or held.

Appraisements to continue till new appraisement made.

53. All such appraisements as shall be made as aforesaid shall continue in force until a further or other appraisement shall be made.

Taxes, when 54. All taxes, rates and assessments upon real proto be payable.perty, and stock-in-trade shall be payable half yearly in advance, and shall be and become due on the first days of January and July in every year, unless the Council shall determine otherwise; all other taxes, rates, fees or assessments shall become payable as and when imposed, or as the Council shall fix and determine.

SPECIAL ASSESSMENT OF WARD

Special assessment of wards majority of the rate-payers residing in any ward or

other division of an area, the council incurs in such division or ward any special expenditure upon any of the classes of subjects, enumerated in section 59, the council may, if it deems proper, direct that an amount equal to such expenditure be collected by a rate of so much on the dollar on the assessed value of the property income assessed in respect of the ratepayers on the roll of such ward or division, and the sum shall be collected from the ratepayers of such ward or division in the same way in all respects as a general rate is collected.

BORROWING POWERS

56. (1) The Council may from time to time obtain temporary loans from any chartered bank Temporary in the Dominion with the prior permission of the Board of Control, and of such amount only as the Board may permit, and the interest upon such loans shall be provided for in the annual estimate.

(2) The aggregate of such loans outstanding at any time against any council shall not at any time exceed an amount fixed by the Board of Control.

EXEMPTION FROM TAXATION

57. No Council shall grant any exemption from Exemptions taxes to any person, firm or company unless the same from taxation. is provided by special Act of the Legislature, heretofore or hereafter passed, and no contract, agreement or stipulation with any person, firm or company for any purpose mentioned in this Section shall be made or be valid before the passing of an Act of the Legislature authorizing the same.

58. The following property shall not be subject to Property not subject to taxation: taxation.

- (a) Lands and buildings belonging to His Majesty;
- (b) Lands and buildings held and used for public worship;
- (c) Lands and buildings used for educational purposes;
- (d) Lands and buildings held and occupied by chartitable institutions;
- (e) Churchyards, cemeteries or burying-grounds.

EXPENDITURE

- Purposes for which Council may spend money.
- 59. (1) The Council shall have the power to appropriate and pay out the funds at its disposal, for any of the following purposes, that is to say:—
 - (a) The payment of salaries and compensation to officers and employees of the council; and the general expenses of the council;
 - (b) The laying out, opening, building, making, repairing, lighting and cleaning the streets, roads and bridges;
 - (c) The constructing, repairing and cleaning of the public sewers and drains;
 - (d) The equipment and maintenance of a fire department and of local patrols or police;
 - (e) The care and improvement of public grounds, squares, parks and property held for the use of the public;
 - (f) The construction, maintenance, improvement and extension of water works, and the maintenance of water supply;

- (g) The payment of principal and interest on money borrowed;
- (h) The advertising of opportunities for industrial purposes, and the enouragement of tourist traffic:
- (i) The payment of any judgments recovered against Council, with interest;
- (i) The payment of all expenses properly incurred by any local health officer, or board of health, and its officers:
- (k) The establishment of ferries:
- (1) The establishment and maintenance of scales for weighing hay, straw, coal and other articles in large bulk:
- (m) The establishment and maintenance of properly equipped pounds to keep all horses, cattle, sheep, swine and other animals running at large;
- (n) The expenses of elections of Councillors:
- (o) The expense of making roads passable in winter by clearing away snow;
- (p) The relief of the destitute;
- (q) Local Hospitals;
- (r) All other expenditures incurred in the due execution of the powers and duties by law vested in the council or its officers.
- (2) The Council shall annually during the month of January submit to the Board of Control an estimate of the probable income of the Council for the year then commencing and

of the proposed expenditure during such year, arranged under suitable heads.

PUBLIC STREETS, ETC.

Control of streets, etc.

60. All public streets, roads, highways, lanes, sidewalks, drains and ditches, and all public wells within the incorporated area shall be deemed to be vested absolutely in the corporation, and the council shall have full control over the same, in so far as is consistent with the use by the public of such streets, roads, highways, lanes, sidewalks, bridges, squares and thoroughfares; subject, nevertheless, to the rights and powers granted by statute to the Minister of Public Works, over highroads and main lines.

LAYING OUT AND MAINTENANCE OF STREETS

Laying out and maintenance of streets.

61. The Council shall have power to maintain, improve, repair, widen, extend, alter, stop up, light and water the streets, lanes, bridges and public squares. and shall have full power and authority to lay out, open, and construct all such streets, roads, lanes, bridges, and public squares, as the Council deems necessary or expedient, and for such purposes, and also for obtaining material for carrying out any such purposes, may, when necessary or expedient, enter upon and take any land required, and remove any buildings, projections, walls, fences or other things, or any portion thereof. Provided that in all such cases where it is necessary to enter and occupy private lands or to take material therefrom, the Council shall first have agreed with the owners thereof as to the compensation to be paid therefor, and shall have paid the same, or in default of agreement such compensation shall have been determined by arbitration in manner hereinafter provided, and the compensation paid.

62. No person shall break up the soil of any street, Streets not to be broken or erect or place in any street, sidewalk, road, lane, without conpurposes for which such breaking up is required, with- sent of out first notifying the council and obtaining their permission therefor in writing; and the council may impose such terms upon the person applying as the security of the public appears to them to require.

FENCES

63. The owner or occupier of every lot abutting on Fences. any street, lane, road, or other highway within the corporation shall fence in the same within thirty days after receiving notice to that effect from the clerk, and shall keep and maintain such fence in repair to the satisfaction of the council.

SEWERS

- 64. (1) The Council shall have power and author-Sewers. ity to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water-courses as the Council deems necessary or expedient, and to make by-laws and regulations respecting the same for the purpose of protecting and keeping such drains, sewers and water-courses free from obstruction, and for imposing, fixing and collecting or enforcing payment of such charges or rates as the Council from time to time considers proper for the use thereof.
 - (2) The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along any street, and which the Council considers necessary for drainage purposes. upon such terms as to compensation to any

person claiming or having any interest or right as owner or otherwise in such drain or sewer, as may be agreed, or determined by arbitration in the manner hereinafter provided, and to make by-laws for fixing and enforcing payment of the charges or compensation, if any, to be paid by persons using or draining into such sewers or drains.

Expropriation of property for sewers.

- 65. (1) When the Council deems it necessary for the public health, or for any other purpose, to construct a sewer upon or across the land of any private person, it may, after resolutions to that effect and notice to persons whose property or rights will be affected, enter upon such property from time to time and as often as is necessary, and do all such acts as are necessary for the construction and repair of a suitable sewer or drain across such land.
 - (2) The Council upon application of any private person or corporation, or number of persons, may, by resolution, empower and authorize such private person or corporation, or number of persons, to construct such sewer or drain if the Council deems it necessary for the public health, or for any other purpose, and unless otherwise provided by such resolution the provisions of this Act shall apply to the construction of such sewer or drain.
 - (3) Such sewer or drain shall be at least three feet below the surface, and shall be covered with earth and stones.

Public Health.

HEALTH

66. Within an incorporated area a Council shall

have and exercise such of the powers and duties conferred or imposed upon boards of health by law as may from time to time be assigned by the Governor in Council or the Bureau of Public Health to such Council.

- 67. (1) The Council, subject to the provisions of Health Reguany general Statute heretofore or hereafter lations.

 passed on the subject of public health, and so far as not inconsistent with the same, shall have power to make sanitary orders, rules and regulations in relation to any of the following classes of subjects, that is to say—
 - (a) For the prevention or mitigation of any infectious epidemic, endemic or contagious disease, in such manner as is deemed expedient;
 - (b) For supplying accommodation, medical aid and medicines and such other articles as are deemed necessary;
 - (c) For domestic quarantine, and for preventing the admission of persons to, or the departure of persons from, any infected building, house or place, and for detaining persons or things, and closing up shops, dwellings and buildings that have been exposed to infection, for inspection and disinfection, until the danger of infection is passed;
 - (d) For the cleansing, purifying, ventilating and disinfecting of dwellings, hotels, schools, churches, public buildings and places of assembly, and carriages, cars and boats, and conveyances coming into or landing passengers, by the owners, occupiers, or agents or persons having charge of the same;

- (e) For the reporting of all cases of disease, and the safe and speedy interment of the dead, and the conduct of funerals;
- (f) For the frequent and effectual cleansing of public and private buildings, yards and outhouses, by the owners, occupiers, tenants or agents of the same;
- (g) For the removal of nuisances, or anything declared by the Council to be detrimental to the public health;
- (h) For the establishment, management and maintenance of an hospital for infectious diseases, the isolation of patients suffering from infectious diseases and their removal to and detention in such hospital;
- (i) For the appointment of sanitary police, to be paid by the village or division, for the purpose of carrying out and enforcing the regulations and orders of the board of health;
- (j) For the doing of any work, act, matter or thing at the cost and expense of any person or corporation who has been ordered or required by the board of health to do the same and has neglected or refused to do so, and for collecting and recovering the amount so expended by distress and sale of the goods or property of the person or corporation so neglecting or refusing or by action at law, or otherwise.
- (2) The Council may fix penalties for the violation of any such sanitary orders, rules and regulations, not exceeding fifty dollars for any one offence.

- (3) Such sanitary rules, orders and regulations shall come into force immediately upon being made, or at such later time as may be appointed in the rules, orders or regulations, and shall remain in force until disapproved of by the Board of Control, or repealed or altered by the council.
- (4) Such rules, orders and regulations shall be made public either by insertion in a newspaper circulating in the locality or by poster or otherwise as the council may direct.

BY-LAWS

- 68. (1) The council shall have power to make by-By-laws. laws, applicable within its jurisdiction, for dealing with the following classes of subjects, and may from time to time amend or repeal such by laws; that is to say, for—
 - (a) Regulating its own proceedings and preserving order at Council meetings;
 - (b) Regulating the management and providing for the security of public property, and providing for permanent improvement in all matters as well ornamental as useful;
 - (c) Defining the duties of officers and employees, and the manner in which they shall account for money received or expended by them, and regulating the salaries, wages and emoluments to be paid to such officers and employees;
 - (d) Compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;

- (e) Preventing the firing of guns or other firearms, or the setting off of squibs or other fireworks, or the burning of inflammable materials, the carrying of fire, lighted candles or lamps, without being covered or secured:
- (f) Regulating the keeping and transporting of inflammable oils and gun-powder or other explosives or dangerous substances;
- (g) Prohibiting the building of barbed wire fences along the streets and regulating the manner of building other wire fences for the purpose of preventing accidents or injuries therefrom to animals and persons;
- (h) Restraining and regulating the running at large or trespassing of any animals, and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time;
- (i) Preventing violation of, or in any way unlawfully interfering with cemeteries, graves, tombs, tombstones, or vaults, where the dead are buried;
- (j) Regulating the slaughter of animals and the sale of meat;
- (k) Seizing and destroying all tainted and unwholesome meat, poultry, fish or other articles of food;
- (1) Preventing the posting of indecent placards, writing or pictures, or the writing of indecent words or making of indecent pictures or drawings, on walls or fences or in public places;

- (m) Preventing and abating public nuisances, and preventing or regulating the keeping of goats, pigs, and other animals and defining the limits within which the same may be kept;
- (n) Providing for places of deposit of ashes, cleaning of yards and streets and other filth and ordure, and compelling the owners or occupants of property to remove all such ashes, cleanings, filth and ordure to such places of deposit;
- (o) Regulating and preventing the erection and continuance of slaughter houses, tanneries, and factories or trades which are likely to become nuisances;
- (p) Regulating and preventing the ringing of bells, beating of drums, shouting or other unusual noises in the streets, knocking at doors or ringing of door bells;
- (q) Regulating and licensing cabmen, hackmen, waggoners and carters, the price to be paid to them for transporting passengers and hauling loads, and the quantity or weight to comprise a load;
- (r) Regulating and licensing owners of garages, stables, and owners of horses or carriages letting out the same for hire or profit;
- (s) Inspecting buildings with a view to the prevention of fires and accidents from faulty construction, or for want of repair or by reason of the unsafe arrangement of stoves and pipes, and for compelling the owners or occupiers of houses and buildings to make such alterations and repairs as may be deemed necessary for the safety of the public;

- (t) Providing for the demolition or removal of buildings or erections, which have fallen into decay, and which have become a menace to health and safety;
- (2) The by-laws and ordinances for the foregoing purposes or any of them, when not inconsistent with any Statute in force in the Dominion, and when approved by the Board of Control, shall have the force of law.

Notwithstanding the approval of any such bylaw, as aforesaid, the Board of Control may subsequently revoke its approval of the same, and after such revocation such by-law shall cease to have any force or effect.

- (3) The production of a copy of any such by-law purporting to be certified by the clerk of the Council, under his hand and the seal of the corporation, to be a true copy of the by-law passed by the Council, and approved by the Board of Control, shall without proof of the official character of the clerk or of his signature or of the said seal be sufficient evidence of such by-law.
- (4) The council may prescribe a penalty, not exceeding one hundred dollars, inclusive of costs, for the violation of any by-law made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned with or without hard labor, for such period as the Council in such by-law prescribes. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the by-law as he deems fit.
- (5) Every person who violates any by-law, unless the penalty is otherwise fixed by the by-law,

- shall, upon conviction before the Stipendiary Magistrate, be liable thereof to a penalty of ten dollars, and in default of payment to imprisonment for twenty days.
- (6) When any council, by by-law or otherwise, directs that any matter or thing shall be done, such Council may by the same or another by-law or otherwise, in default of its being done by the person required to do the same, cause such matter, or thing to be done at the ex pense of the person in default and may recover the expenses thereof with costs from such persons as a civil debt.
- (7) No repeal, alteration or amendment of any by-law adopted by the Council shall be made, unless two weeks' notice in writing has first been given to the council of a motion for such repeal, alteration or amendment.
- (8) Any by-law regulating the procedure at Council meetings may be suspended wholly or in part, by the unanimous consent of all the members of the Council present, without the notice in the next preceding section provided.
- (9) Notwithstanding anything to the contrary in any existing Act, a Council shall have power to make by-laws—
 - (a) Prohibiting or licensing the possessing of dogs:
 - (b) Restraining and regulating the running at large of dogs;
 - (c) For killing unlicensed or dangerous dogs without notice to the owner thereof;
 - (d) Imposing penalties upon owners, harbourers or possessors of unlicensed dogs, or

dogs running at large contrary to law, or dogs which are dangerous to life or property.

POWER TO TAKE LAND FOR CERTAIN PURPOSES

Taking of lands for municipal purposes.

- 69. (1) When it becomes necessary in the judgment of the Council for any lawful purpose within the powers and duties of the Council, the Council may after compensation has been made by agreement or in pursuance of arbitration as hereinafter provided, enter upon and take the lands of any person, corporation or number of persons from time to time and as often as is necessary for the purposes aforesaid or any of them, and when any lands or property are so to be taken shall cause a plan of such lands, or of so much thereof as is required for the purposes aforesaid, to be made, and shall notify the owner or owners of the lands or property which are proposed to be entered upon or taken.
 - (2) Such notice shall contain a description of the land proposed to be entered upon or taken, together with a description of any building, projection, wall, fence or other thing necessary to be removed, and a statement of the purpose for which the same is required.

Procedure where owner unknown.

70. If the owner of land which it is proposed to enter upon or take, or of the building, projection, wall, fence or other thing which it is proposed to remove, is not known, or if there is a dispute as to the ownership thereof, the notices required to be given to such owner may be given by advertisement in a newspaper for one month, or by the affixing for one month of a notice to the outside door of the Council's office, or in the Post Office, or upon the outside door of the Court House or in some other conspicuous public place within the area.

ARBITRATION

71. All claims against the council for damage that Arbitration. may be occasioned to any person whose interests may have been injuriously affected by over assessment or by the taking of lands or tenements, or of any watercourse, or by the removal or alteration of any house, building, wharf, or store, or by the taking of any right of way over, under or through any land, or by digging or excavation upon any land, or any damage of any kind that may have been occasioned to any interested person by reason of the provisions of this Act, shall, if the Council and such person cannot agree upon the compensation to be paid for the same, be referred to arbitration, as follows:—

- (a) The Council shall appoint one arbitrator, and shall notify the said person to appoint one arbitrator.
- (b) If such person neglects or refuses to appoint an arbitrator within ten days after the service of the said notice, the Council shall appoint an arbitrator to act on behalf of the said person, and the two arbitrators so appointed shall choose a third arbitrator.
- (c) If the said arbitrators cannot agree upon the third arbitrator, he shall be appointed by the Governor-in-Council on the application of either party.
- (d) The three arbitrators so appointed and chosen, having been first duly sworn to the faithful discharge of their duties before a Justice of the Peace, shall give notice to the person whose claim is to be arbitrated, of the time and place at which they will meet to fix the amount of compensation to be paid.

- (e) At the time and place so appointed they shall proceed to fix and award the amount of the compensation to be paid and shall make a return thereof to the clerk within thirty days after their appointment.
- (f) The award of the arbitrators, or any two of them, shall be final and conclusive, and binding on all parties interested.

Acquirement of title by Council.

72. Upon the payment or tender to the owner of the amount so awarded, or upon payment thereof into the Registry of the Supreme Court, the Council shall become the owner in fee simple of the said lands if such lands have been taken.

Council may suspend or abandon if compensation too heavy. 73. If the amount of compensation awarded appears to the Council excessive, when compared with the utility of the work, the Council may suspend or abandon such work at any time and in such case shall be required to pay only for the damage done up to abandonment, which in default of agreement shall be ascertained by arbitration as aforesaid.

Payment into court in certain cases.

- 74. (1) The Council shall pay the amount awarded by the arbitrators into the Supreme Court, and deliver to the Registrar a copy of the award in the following cases—
 - (a) If there are any claims or incumbrances on the lands taken or entered upon; or
 - (b) If the owner of land is unknown; or
 - (e) If the person to whom compensation is awarded to be paid cannot be found; or
 - (d) If there is any dispute as to the ownership of the land, building, projection, wall, fence or other thing taken or removed; or

- (e) If there is any dispute as to the person to whom compensation should be paid; or
- (f) If for any other reason the Council deems it advisable.
- (2) The person or persons entitled to such amount shall, on establishing his or their rights thereto on an application to the said Court or a judge thereof, be entitled to have the same paid over to him or them on the order of the Court or judge.
- 75. The arbitrators shall not be directly or indirectly interested in the land proposed to be entered upon or Arbitrators to taken, nor in the building, projection, wall, fence, or ed persons. other things to be removed.

76. The arbitrators shall receive such compensation Compensation as the Council determines, and the actual necessary ex- of Arbitrators. penses of such arbitrator incurred in going to attend and returning from said arbitration. Nothing in this Act shall apply to cases where the Council has paid, and the arbitrators have accepted in full satisfaction, any compensation fixed by said Council.

FIRES AND FIREWARDENS

77. The Council may annually appoint such number Firewardens; their duties. of firewardens, not exceeding six, as they deem necessary, who shall be sworn before a Councillor to the faithful discharge of their duties, and shall have suitable badges of office provided for them by the Council.

(1) Upon the breaking out of a fire the firewardens, taking their badges with them, shall forthwith proceed to the place of the fire, and use their utmost endeavors to extinguish and prevent the spreading of the fire, and to preserve and secure the property of the inhabitants, and any firewarden may command the assistance of the inhabitants, or any person present at such fire, in extinguishing the fire and removing any property out of any building actually on fire, or in danger thereof, and may appoint guards to secure and take charge of the same, and may command assistance for the pulling down of buildings or for other services relating thereto, and may prevent persons passing through or across any street, alley, highway, property or premises, in the vicinity of a fire, either by fencing or roping off the same or otherwise.

(2) Every person who disobeys any lawful orders or commands of a firewarden shall for each such offence be liable to a penalty of ten dollars, and in default of payment to imprisonment for twenty days.

Powers of Firewardens. 78. Any firewarden present at a fire may order any building to be broken open or entered, or any fence torn down, and no person acting within the scope of such order shall be liable to any action or proceeding for such acts; but no person other than a firewarden, shall break open or enter any building or tear down any fence unless with the consent of the owner of such building or fence.

Powers of Firewardens. 79. Upon the occurrence of a fire, the firewardens present thereat, or a majority of them, may direct any building to be pulled down or blown up, or otherwise destroyed, if in their judgment doing so will tend to prevent the further spreading of the fire.

80. The firewardens shall from time to time report to Engines, hose, the Council what number of engines, reels and other implements, and what quantity of hose and other appliances, are required for service at fires, and the probable ex-

penses thereof, and of keeping the same in repair; and the Council shall order such of them to be provided as it deems necessary.

FIRE CONSTABLES

- 81. (1) The council may appoint as many fire con- Fire Constables as it deems necessary, who shall be stables. sworn into office, and shall be provided by the council with suitable badges or uniforms, and who shall attend at fires, and act under the direction of the firewardens in subduing the fire, preserving, securing and protecting property, keeping order and preventing thefts. Fire constables at such fires shall have all the power and authority, privileges and immunities of constables.
 - (2) Police officers shall perform at fires the same duties, and possess the same powers as are hereby imposed and conferred upon fire constables.

FIRE AND PROTECTION COMPANIES

82. The Council may organize, dissolve or disband Control of companies for the extinguishing of fires or the preserva-Companies. tion and protection of property thereat, and may enact rules and regulations for the government of companies so organized. All such companies whether voluntary companies or companies organized under the authority of this section, shall during the actual progress of a fire be subject to the exclusive and absolute control of the firewardens, provided that the orders and commands of such firewardens shall communicate to the company through the principal officer of the company present at the fire.

83. In the absence of all the firewardens, the captains Powers of Fire of fire companies, protection companies and salvage corps Companies.

shall, until a firewarden arrives, have all the powers of firewardens at any fire.

ACTIONS

Actions against Councils.

84. No actions of contract or in tort shall be commenced against a council without one months' previous notice in writing to the Chairman or Clerk of such council. In such notice shall be clearly and explicitly stated the address of the intending plaintiff and of his solicitor or agent. No such action in tort shall be taken more than one year after the same shall have accrued, provided that in reckoning such period, if the person entitled to proceed in tort were out of the Dominion at the time of the occurrence of such tort, time shall be reckoned from the time of his return to the Dominion.

Recovery of Penalties. 85. Any penalties for breach of any provisions of this Act may be recovered in a summary manner before a Stipendiary Magistrate.

BOARD OF CONTROL

Board of Control.

- 86. (1) There shall be a Board of Control, to superintend the incorporation of areas, and the organization and proceedings of councils.
 - (2) The Secretary of State, Minister of Public Works and Attorney General ex officio, and two other persons, members of the Executive Council, appointed by the Governor in Council, shall constitute the Board, of which the Secretary of State shall be the Chairman.
 - (3) The Board shall appoint a Superintendent of Local Affairs, who shall be the chief Executive Officer of the Board, and shall undertake prompt and efficient organization throughout the Colony.

- (4) The Superintendent of Local Affairs and such officials as may be necessary to assist in the work, shall, as far as convenient, be transferred from other branches of the Public Service.
- (5) The Board shall have power by itself or any officer to investigate at any time the books, records and accounts of any Council, and to inspect all work done or being done or to consider any work proposed to be done by any Council, and may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by any Council or any salary or remuneration paid or proposed to be paid by any Council or any resolution or decision either on the foregoing subjects or any other subject passed or made by a Council; and any order made by the Board of Control under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Board of Control.

EXCEPTED AREAS

87. Nothing in this Act contained shall apply to or in any wise affect any of the areas, districts or places comprised in the Schedule hereto; nor shall any lands, goods, property or effects within the said areas, districts or places or any of them, or any person, firm or company in respect of such lands, goods, property or effects be liable to any taxation or be in any way otherwise affected by any of the provisions hereof.

REPEALING CLAUSE

88. Chapter 50, Consolidated Statutes (Third Series) entitled "Of the Administration of Local Affairs in Outport Districts," is hereby repealed.

1933

SCHEDULE

- 1. That area situate at Grand Falls bounded and described as follows: Commencing at a point where a line running due North distant forty-five chains West from the West abutment of Rushy Pond Railway Bridge intersects the Railway Track; running thence South four miles, East five miles and North five miles and thirty-seven chains more or less and thence by the Railway to the place of commencement. Bearings from True Meridian.
- 2. That area situate at Millertown bounded and described as follows: Commencing at a point being the centre of the North abutment of Exploits Dam running thence North fifty-six degrees forty-five minutes East forty-two thousand feet; thence North thirty-three degrees fifteen minutes West eleven thousand feet more or less to the South bank of Mary March Brook and thence by the said Brook and the South shore of Red Indian Lake to the place of commencement. Bearings from True Meridian.
- 3. That area situate at Badger bounded and described as follows: Commencing at a point being the centre line of the Government Railway at the centre of the West abutment of Badger Bridge; running thence in a Northerly direction along the bank of Badger Brook one thousand eight hundred and fifty feet; thence North sixty-nine degrees West two thousand, five hundred and eighty-two feet; thence South twenty-one degrees West to the North Bank of Red Indian Brook; thence by the shores of Red Indian Brook, Exploits River and Badger Brook to the place of commencement. Bearings from True Meridian.
- 4. That area situate at Angle Brook bounded and described as follows: Commencing at a point being the centre of the concrete highway bridge across Angle

Brook; running thence West three thousand three hundred and thirty feet; thence South two thousand three hundred and ten feet; thence North sixty-eight degrees forty minutes East four thousand five hundred and twenty-five feet; thence North twenty-one degrees twenty minutes West six hundred and ninety-three feet and thence West to the place of commencement. Bearings from Magnetic Meridian.

5. All that area situate in the Red Indian Lake district within a radius of ten miles from the old main shaft of Buchans River Mine.

CAP. XXX

AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE AND MINES

(Passed May 1, 1933)

SECTION

- 1.—Department of Agriculture and Mines.
- 2.—Deputy Minister and Secretary of Agriculture.
- 3.—Duties and powers of Deputy Minister.
- 4.—Officers, Clerks, Servants, etc.
 - 5.—Duties of officials.

SECTION

- 6.—Transfer of Duties to or from Department.
- 7.—Annual Report of Minister.
- 8.—Interpretation.
- 9.—Subjects dealt with in Department.
- 10—Short Title.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Department of Agriculture and Mines.

1. There shall be a Department of the Civil Service of the Dominion which shall be called the Department of Agriculture and Mines over which the Minister of Agriculture and Mines for the time being appointed by the Governor in Council by Commission under the Great Seal of the Dominion shall preside; and he shall hold office during pleasure and shall have the management of the Department of Agriculture and Mines, the execution of the laws relating to the subjects hereinafter enumerated and the direction of the public bodies, officers and servants employed in execution of such laws.

Deputy Minister and Secretary of Agriculture.

- 2. The Governor in Council may appoint two officers who shall be called respectively the Deputy Minister of Agriculture and Mines and the Secretary of Agriculture.
- Duties and powers of Deputy Minister. 3. Whenever the Minister of Agriculture and Mines shall be absent from Newfoundland or incapacitated by

illness or if the office of Minister shall be vacant the Deputy Minister of Agriculture and Mines shall by virtue of his offices be entrusted with the powers and charged with the duties which belong to the Minister of Agriculture and Mines and if in such case the office of Deputy Minister be vacant or the Deputy Minister be ill or absent from Newfoundland the Secretary of Agriculture shall be entrusted with such powers and charged with such duties.

- 4. The Governor in Council may appoint such departofficers, Clerks, mental officers, agents, clerks and servants as are requisite Servants, etc. for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.
- 5. Persons employed in any one branch of the De-_{Duties} of partment may be directed by the Minister to perform any Officials. duty in or with respect to any other branch.
- 6. The Governor in Council may assign any new or other duty or power to the Minister of Agriculture and Transfer of Mines and may also assign any of the duties or powers from Departherein enumerated to the Minister of any other Department.
- 7. The Minister of Agriculture and Mines shall make and submit to the Governor an annual report of the proceedings in his Department, to be laid before both Houses of the Legislature within fifteen days from the commencement of each annual session, showing the state of the Department and the amount received and expended in respect thereof, with such further information as may be requisite.
- 8. Wherever in any statute, proclamation, regulation, Interpretation. Order in Council, grant, lease, license, commission, deed, conveyance, certificate, contract, or other document of the like or any; other kind heretofore passed or made and relating to any subject matter hereinafter enumerated or any

other matter which prior to the Act 22 George V. (2nd Session), Chapter 15, was dealt with by the Department of Agriculture and Mines there appear the terms "Minister of Lands and Fisheries" and "Department of Lands and Fisheries" the same shall be read as if the words above mentioned were deleted and the words "Minister of Agriculture and Mines" or "Department of Agriculture and Mines" substituted therefor.

Subjects dealt with in Department.

- 9. The following subjects shall be dealt with in the Department:—
 - (1) Crown lands.
 - (2) Geology and natural history.
 - (3) Mines, minerals and quarries.
 - (4) Timber lands.
 - (5) Paper mills, pulp mills, saw mills and all manufactories of timber products.
 - (6) Inspection and measurement of lumber.
 - (7) Water powers.
 - (8) Surveying.
 - (9) Administration of laws relating to the manufacture, storage, importation and sale of explosives.
 - (10) Administration of laws relating to forest fires.
 - (11) Protection of wild fruit.
 - (12) Generally, matters relating to natural resources.
 - (13) Agriculture, including experimental farms and laws relating to bounties for clearing and cultivating land and for settlement.

- (14) The management and distribution of animals, seeds and the like for the improvement of stock and crops.
- (15) Sheep preservation and the administration of laws relating to the keeping of dogs.
- (16) Diseases of animals and crops.
- (17) Registration of pedigree animals.
- (18) Administration of all laws for the standardization of agricultural products and the control of the sale thereof.
- (19) The encouragement of agriculture and stock raising, research, introduction of new methods, giving of advice to farmers and others.
- (20) Administration of law relating to the sale of seeds.
- (21) The sale of fertilizers.
- 10. This Act may be cited as "The Agriculture and Mines Act, 1933." Short Title.

CAP. XXXI.

AN ACT FURTHER TO AMEND THE CROWN LANDS ACT 1930

(Passed May 23, 1933)

SECTION

- 1 -Interpretation.
- 2.—Residential grant where land already occupier for 5 years.
- Agricultural Grant where land already occupied for 5 years.
- 4.—Precautions to be taken against adverse claims.
- 5.—Amendment as to permit holders.
- Amendment as to size of claims and method of staking.

SECTION

- 7.—Particulars to be furnished where central stake has been used.
- 8.—Amendment as to assessment work.
- 9.—Exclusion of water powers from mineral claims.
- 10.—Amendment to export of manufactured timber.
- 11.—Amendments as to sawmill royalties.
- 12.—Insertion of additional heading.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Interpretation.

1. In this Act the words "the principal Act" shall mean The Crown Lands Act 1930 as amended by the Act 22 Geo. V. Cap. 18.

Residential Grant where land already occupied for 5 years.

2. Whenever any person shall before the 30th day of June, 1933, have been for five years or more in occupation of any Crown lands not exceeding five acres and shall have erected a dwelling house upon the same and shall have put into cultivation at least one acre of the area, the Minister may upon proof of the facts issue to such person forthwith upon payment of five dollars a fee simple grant of the same in lieu of the lease for five years provided under section 6 of the principal Act; or in case less than one acre has been put into cultivation, he may issue a grant of one acre of land, including the site of the dwelling house, upon payment of the same fee.

a grant.

- 3. Whenever any person shall before the 30th day of Agricultural June, 1933, have been for five years in occupation of any Grant where Crown lands exceeding five acres and not exceeding fifty land already acres, and shall have put into cultivation not less than 5 years. twenty-five per cent. of the area, the Minister may upon proof of the facts issue to such person forthwith upon payment of five dollars a fee simple grant of the same in lieu of the lease for five years provided under section 7 of the principal Act.
- the two sections next preceding shall be required to de-Precautions to be taken clare and prove to the satisfaction of the Minister that the against adverse land was taken up and the building, cultivation and im-claims. provements made and done either by himself or by some other person all of whose equitable rights have lawfully passed to him; and the report of the surveyor shall contain a statement that careful enquiry has been made in the locality and that no person other than the applicant claims to be entitled to a grant of the said land or of any part thereof or interest therein. If others than the appli-

cant appear to have claims, the Minister shall, in default of agreement among all persons concerned, refuse to issue

4. Every person applying for a grant under either of

- 5. Section 56 of the principal Act is hereby amended Amendment as by striking out of sub-section (a) the words "incorpora-to, permit ted under the laws of Newfoundland."
- 6. Section 64 of the principal Act is hereby amended as follows:
 - (1) By adding to sub-section (1) (d) the words $_{\Lambda mendment}$ as "provided that where the same permit holder to size of stakes two or more claims forming a continu-claims and ous block, it shall be sufficient if he marks in staking. the manner provided in this paragraph the outside boundary lines of the block, and in such

case it shall not be necessary for him to mark the internal lines which separate the several claims forming the block.

- (2) By striking out of sub-section (1) (e) the words "The claim shall be a square of 40 acres, being 20 chains (1,320) feet on each side," and substituting therefor the words: "The claim shall be a square of 160 acres, being 40 chains (2,640 feet) on each side,"
- (3) By adding thereto a sub-section numbered (5) as follows:
 - (5) As an alternative method of staking a permit-holder may, if he is not equipped with the necessary instruments and knowledge for laying out lines astronomically, stake a claim by placing a single post in the centre of the proposed claim upon which post he shall write or place the same particulars as are required under Section 64 (b), and he shall fix the position of the stake by cross bearings or measurements from some well-established point or from distinct natural features in the vicinity.

Particulars to be furnished by where central stake has been used.

- 7. Section 67 of the principal Act is hereby amended by adding thereto the following as sub-section (4):
 - (4) Where a claim has been staked by the placing of a centre stake only, the person who has staked the same shall, instead of the sketch or plan mentioned in sub-section (1) of this Section, furnish a plan or particulars establishing the position of the central stake together with the general description, the location, and at least two bearings, or bearings and measurements, to some prominent natural features in the vicinity, the day and hour when the claim was

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staked out, the date of the application, and the fee of ten dollars, for which he shall be given an official receipt. The provisions of sub-section (2) of this Section shall also apply. The Minister shall then cause to be laid out upon the plan a claim of the prescribed size, having its sides running astronomically north and south and east and west and equally distant from such centre post, and the applicant shall within six months of the recording of the claim cause the said lines to be laid out on the ground in the manner indicated in Section 64 (1) (d).

- 8. Section 84 of the said Act is hereby amended by Amendment as striking out the words "three months" in Sections 1 and to assessment 2 thereof and substituting therefor the words "six work. months" in each case.
- 9. Section 103 of the said Act is hereby amended by Exclusion of numbering the present Section 103 as sub-section (1) and water powers from mineral adding thereto the following as sub-section (2): claims.
 - (2) A water power lying within the limits of a mining claim which at low water mark in its natural conditions is capable of producing one hundred and fifty horse-power or upwards shall not be deemed to be part of the claim for the uses of the licensee and a road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Minister may be necessary for the development and utilization of such water power.
- 10. Section 142 of the principal Act is hereby amend- Amendment to ed by adding thereto the following words "provided that manufactured this Section shall not apply to Labrador." timber.
- 11. Section 146 of the principal Act is hereby Amendments as to sawmill amended as follows: royalties.

- (1) By striking out sub-section (a) and substituting therefor the following:
 - (a) That the licensee shall pay to the Minister annually on or before the 30th day of November a royalty of fifty cents per thousand feet board measure on all lumber over ten thousand feet board measure manufactured in the mill during the said period, the material for which shall have been cut on Crown lands, and on all logs cut or purchased by him and sold without being manufactured in the said mill.
- (2) By striking out of sub-section (e) the words "not exceeding fifty dollars," and substituting therefor the words "not less than twenty dollars nor exceeding fifty dollars."

Insertion of additional heading.

12. The principal Act is further amended by inserting between Section 167 and Section 168 the title or heading "Submarine Mining Locations."

CAP. XXXII

AN ACT ENTITLED "AN ACT FURTHER TO AMEND THE CROWN LANDS ACT, 1930'' (NO. 2, 1933)

(Passed July 7, 1933)

SECTION 1-Power to grant license to export round timber

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Anything in the Crown Lands Acts notwithstanding, the Governor in Council may from the date of the license to passing of this Act grant to the owners of freehold land export round or to licensees of timber areas the right to cut and or export unmanufactured timber for a period not exceeding four years upon such terms and conditions as to the Governor in Council shall appear expedient.

CAP. XXXIII.

AN ACT TO RATIFY CERTAIN AGREEMENTS RE-LATING TO MINING CONCESSIONS IN LAB-RADOR

(Passed May 23, 1933)

Whereas between the 12th day of October, A.D., 1932, and the fifth day of May, A.D., 1933, the Governor in Council entered into certain agreements with persons desirous of prospecting for minerals on Labrador in the terms hereinafter mentioned.

And whereas it is expedient to ratify and confirm such agreements.

- Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. The agreements made between His Excellency the Governor in Council and sundry persons and companies in the general forms set forth in the first and second schedules hereto, the names of such persons and companies and the dates of such agreements and the lands in respect of which the said agreements are made being set forth in the third schedule hereto, are hereby ratified and confirmed and all provisions of the same are declared to be binding upon the said companies and persons respectively and in so far as the said conditions depart from or are contrary to the terms of the Crown Lands Act 1930 and Acts in amendment thereof they shall nevertheless be valid; provided always that nothing in the said agreements shall be held to prevent or alter the aplication either of the Crown Lands Acts aforesaid or of any

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other part whatsoever of the statute or common law of the Dominion save as in the said agreements provided expressly and not by implication.

- 2. The fifth paragraph of each and every of the agreements shall be deemed to read as follows:
 - (5) The Licensee shall pay to the Government upon the execution of this agreement the sum of one thousand dollars, and shall pay a similar sum on or before the 15th day of May, A.D., 1934, and on or before the 15th day of May, A.D., 1935.
- 3. The tenth paragraph of each of the said agreements shall be read as if the words "before the first of July, 1933" were struck out and the words "before the 30th day of September, 1933" substituted therefor.
- 4. Nothing done or omitted to be done by the Governor-in-Council or by any minister or official shall be deemed to waive any right or remedy of the Government under any of the said agreements.

FIRST SCHEDULE

General Form of Agreement in the Case of David S. Bondurant and Cyril C. Duley.

THIS AGREEMENT made at Saint John's in the Island of Newfoundland this

day of

A.D. 19

BETWEEN His Excellency Sir

Governor and Commander in Chief in and over the Island of Newfoundland and its Dependencies in Council (hereinafter called "the Government") of the one part, AND

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in

(hereinafter called "the Licensee" of the other part.

WHEREAS it is desirable that development should take place in the Labrador with a view to winning the minerals which are alleged to exist therein.

AND WHEREAS the Government has agreed with the Licensee in the terms of this agreement.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

- 1. The Licensee shall for a period of three years from the date hereof have the exclusive right to stake, apply for and obtain in accordance with the provisions of the Crown Lands Act 1930 mining claims within all that piece or parcel of land situate on Labrador and described for purposes of identification so far as the present state of knowledge of the country admits in the Schedule hereto and Exhibits annexed to the said Schedule, and containing not more than square miles.
- 2. The Licensee upon compliance with and subject to the terms and provisions of the Crown Lands Act 1930 shall be entitled to have licensed to him such reasonable water power as may be necessary for the development of his mineral enterprise within the area hereinbefore described.
- 3. During the period of this agreement the Licensee shall have the right to cut upon the area hereinbefore described such timber as may be necessary for building and mining purposes and for no other purpose without the payment of any rent or royalty therefor.
- 4. The Government hereby grants to the Licensee during the period of this agreement, but only

for the purposes of the prospecting and exploring of the said area, the right to import free of duty and other import taxes (a) all necessary equipment and material for prospecting and exploring for minerals, and (b) such provisions as are required for the prospecting and exploring parties.

- 5. The Licensee shall pay to the Government upon the execution of this agreement the sum of One thousand dollars and shall pay a similar sum on the first day of October, 1933, and on the first day of October, 1934.
- 6. The Licensee shall during the period of this agreement spend in prospecting and exploring as aforesaid upon the lands herinbefore described, a sum of not less than Fifteen thousand dollars.
- 7. The Licensee shall on or before the first of January, 1934, and annually thereafter make to the Minister of Lands and Fisheries a complete report of all work done in prospecting, exploring and mining upon the area hereinbefore described and shall furnish therewith copies of all surveys, assays and other information which the Company gains in the course of its work, together with a list of all equipment, material and provisions imported into the Labrador for the said purpose, with the value thereof, and supporting vouchers for such value, and a statement of the expenditures made under paragraph 6 hereof; provided that nothing in this paragraph shall excuse the Licensee from complying with all the requirements of the Customs and Revenue Acts and all other Acts, Rules and Regulations applicable to the importation of goods into this Dominion.

8. In substitution for the royalties provided in section 111 of the Crown Lands Act 1930, the Licensee shall pay to the Minister of Lands and Fisheries at the times, and in the manner, (and in the case of royalties on profits) calculated by the same method as in the said Section provided, and during the entire period of his tenure of any mining rights acquired under this agreement or acquired at any time under the ordinary provisions of the Crown Lands Act 1930 within the area hereinbefore described, the following royalties:-

Coal-

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Twelve and one-half cents per ton.

Copper-

Four cents for every unit, that is, upon every one per centum of copper contained in each ton of copper ore sold or smelted.

Lead-

Two cents upon every unit, that is, upon every one per centum of lead contained in each ton of lead ore sold or smelted.

Zinc-

Two cents upon every unit, that is, upon every one per centum of zinc contained in each ton of zinc ore sold or smelted.

Iron-

Five cents on every ton of ore sold or smelted.

Other Metals and Minerals-

(a) On the annual profits in excess of \$10,000 up to \$5,000,000... 5 per cent.

- (b) On the annual profits in excess of \$5,000,000 up to \$10,000,000 6 per cent.
- 9. The Licensee shall during the period of this agreement at any reasonable time and from time to time permit any person nominated by the Minister of Lands and Fisheries or by the Governor-in-Council to inspect all the work done by the Licensee and shall upon demand provide transportation at the cost and expense of the Licensee for the said person from St. John's to the site or sites of the Licensee's operations by the methods of transport used by the Licensee for his own engineers or managers.
- 10. This agreement shall be deemed to have been broken by the Licensee (a) if the Licensee shall have failed to commence actual prospecting and exploring in the area hereinbefore described before the first of July, 1933, or (b) if the Licensee shall fail to pay either of the sums set forth in paragraph five hereof; or (c) by substantial failure on the part of the Licensee in complying with the terms of paragraph 7; and upon breach of the agreement the same shall be deemed to have been terminated without notice being necessary on the part of the Government and without any legal proceedings being commenced. No express or implied waiver by the Government of any of the terms of this agreement shall be deemed to have effect as a continuing waiver or held to prejudice any right or remedy of the Government.

- 11. This agreement shall be binding upon and enure to the benefit of the executors, administrators and assigns of the Licensee and of the assigns of the Government.
- 12. Nothing in this agreement shall be held to prevent or alter the application of the Crown Lands Act 1930 or of any part whatsoever of the Statute or Common Law of the Dominion save as herein provided expressly and not by implication.
 - 13. For the purposes of this agreement the phrase "Crown Lands Act 1930" shall mean the Crown Lands Act 1930 and any Acts in amendment thereof and any rules or regulations lawfully made under the said Act or amending Acts, and the term "Licensee" shall include his executors, administrators and assigns.
- 14. This agreement is made subject to ratification and approval by the Legislature.
- IN WITNESS WHEREOF His Excellency the Governor-in-Council has caused the Great Seal of the Dominion of Newfoundland to be set hereunto and has signed these presents and the Licensee has hereunto his hand and seal subscribed and set the day and year first before written.

By His Excellency's Command

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Signed, Sealed and Delivered in the presence of:

SECOND SCHEDULE

General Form of Agreement in the Case of all Other Companies and Persons.

The agreement in the case of all other companies and persons is in the same general form save that paragraph 6 instead of reading as paragraph 6 in the general form in the First Schedule reads as follows:

6. The Licensee shall during the period of this agreement spend in prospecting and exploring as aforesaid upon the lands hereinbefore described a sum of not less than Fifteen thousand dollars, whereof Five thousand shall be expended within one year, a further Five thousand within two years and a further Five thousand within three years of the date hereof.

THIRD SCHEDULE

1. Agreement dated October 12, 1932, between the Governor-in-Council and David S. Bondurant of Cairo, in the State of Illinois, in the United States of America, Aviator.

DESCRIPTION OF LANDS INCLUDED

General Description:

The area lies in the Southwestern part of Newfoundland-Labrador. It is shown on the maps of Labrador and Canada, as issued prior to year 1931, as a parcel of land adjacent to a large body of water known as Lake Wabush-Katsao and a tributary stream known as River Aux Fraises. The Area is plotted on these maps and is attached hereto as Exhibits "A" and "B." A survey map of the Area is also attached as Exhibit "C".

Description of "Point of Beginning":

In the Northern portion of Lake Wabush-Katsao and on the Western shore of the lake the maps show River Aux Fraises flowing into a large bay, the contour of the West shore of the lake making a turn in a Northeast direction at this location.

In reality and according to actual surveys on the ground, River Aux Fraises flows into a lake about one mile North of the bay and the outlet of this lake empties into the bay, this intersection being located in the extreme Northeast portion of the bay. The outlet runs in a Southeastwardly direction and is about two thousand feet long and thirty feet wide. An Indian portage lies parallel with and is near the West bank of the outlet.

For purposes of this description River Aux Fraises shall be considered to include the above mentioned lake and its outlet and River Aux Fraises shall be considered to empty into the bay as shown on the map.

Hereinafter the above mentioned bay shall be known as D'Aigle Bay.

The point of beginning shall be at the intersection of the thread of the stream known as River Aux Fraises and the shore line of D'Aigle Bay. This point is accessible.

Description of Area:

Beginning at the point described above, said point being on the West shore of Lake Wabush-Katsao where the thread of the stream known as River Aux Fraises intersects the shore line of D'Aigle Bay in the extreme Northeast portion of the Bay as described above and shown on Exhibit "C" attached hereto, the geodetic position of said beginning point being in latitude 53° 06' and longitude 66° 55'; thence running due west on a true

parallel of latitude a distance of four and three tenths (4.3) miles to a point; thence Due North on a true meridian, a distance seven (7) miles to a point; thence due East on a true parallel of latitude a distance of six (6) miles to a point, thence Due South a distance of four and six tenths (4.6) miles to a point at the waters edge on the Northern shore of Lake Wabush-Katsao; thence along and with the Northern shore line of Lake Wabush-Katsao following the contour of the water line a distance of about seven (7) miles to the point of beginning.

The boundaries contained in this description are shown in Exhibits "A", "B" and "C" attached hereto and the Area contains forty (40) square miles more or less.

2. Agreement dated October 14, 1932, between the Governor-in-Council and Cyril C. Duley, of St. John's, in the Island of Newfoundland, Jeweller.

DESCRIPTION OF LANDS INCLUDED

Location:

The area covered by this application is situated in the Southern portion of the most western section of Newfoundland-Labrador.

It includes all areas both land and water extending South from the parallel of Latitude (N 52-57') to the line of watershed or height of land and West from the Meridian of Longitude (W 66-52') also to the line of watershed or height of land—(as per attached diagram)—The geodetic point of Latitude (N 52-57') and Longitude (W 66-52') being the N.E. corner of the property.

Description of Initial Point:

In the Southern portion of Lake Wabush-Katsao and on the Eastern Shore of the Lake and at the Inlet of River A L'Argent into said Lake. This point to be on the South Bank of River A L'Argent just above High Water Mark and directly opposite this River's mouth or Inlet into Lake Wabush-Katsao. The River A L'Argent referred to above enters Lake Wabush-Katsao about six (6) miles North Easterly along the eastern shore of said lake from the mouth of the river that enters the extreme South Western end of Lake Wabush-Katsao from Lake Long. (This initial point is indicated in attached diagram).

Description of Area:

Beginning at an initial point as described above (said point being on the East Shore of Lake Wabush-Katsao, etc.) the geodetic position of this Initial Point being in Latitude (N 52-57') and (W 66-52') according to official Maps, thence running due West, nine (9) miles, thence due South four and one half (41/2) miles more or less to the height of land, being the Western boundary of Newfoundland-Labrador, thence running South and South Easterly along with said Western boundary of Newfoundland-Labrador to where the Meridian of Longitude 67-00' intersects the Southern boundary of Newfoundland-Labrador, according to official maps, a distance of about eleven (11) miles; thence running along and with said Southern boundary of Newfoundland in a North East direction to a point on said Southern boundary of Newfoundland-Labrador intersected by a meridian running due South from the Initial point at the mouth of River A L'Argent above descibed, a distance of about six (6) miles according to official maps, thence due North along said Meridian to the Initial point a distance of about twelve (12) miles according to the official maps, and containing an area of One Hundred (100) square miles more or less. All bearing from true Meridian.

^{3.} Agreement dated December 10, 1932, between the Governor in Council and David M. Baird, of Saint John's, in the Island of Newfoundland, Merchant.

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General Location of Area:

The particular area covered by the application lies in the most Southern part of the most Westerly section of Newfoundland-Labrador. It extends both East and West of the Southern part of Lake Wabush-Katsao and South to the boundary line, or height of land between Quebec and Newfoundland-Labrador.

It includes all areas both land and water, extending South from the parallel of Latitude (N 53° 00') to the line of watershed or height of land and lying between the Meridian of West Longitude W 66° 44' and W 67° 06'. The geodetic position of the North East corner of the concession being N. 53° 00' and W. 66° 44'.

Description of Initial Point:

In the Southern portion of Lake Wabush-Katsao and on the Eastern shore of the Lake and at the Inlet of River A L'Argent into said Lake. This point to be on the South Bank of the River A L'Argent just above flood water mark and directly opposite this river's mouth or inlet into Lake Wabush-Katsao. The River A L'Argent referred to above enters Lake Wabush-Katsao about six (6) miles North Easterly along the Eastern shore of said Lake from the mouth of the River that enters the extreme South Western end of the Lake Wabush-Katsao from Lake Long. (This initial point is indicated in attached diagram).

Description of Area:

Beginning at an Initial Point as described in the foregoing (said point being on the East Shore of Lake Wabush-Katsao, etc.) the Geodetic position of this Initial Point being in **Latitude** N 52-57 and W 66-52 according to official maps, thence running due West nine (9) miles, thence due North three (3) miles thence due East fifteen

(15) miles thence due South ten and one half (10½) miles more or less to the line of Watershed or height of land boundary between Newfoundland Labrador and the Province of Quebec, thence following said height of land boundary in a Southwesterly direction for a distance of eight (8) miles more or less to its intersection with a line running due South through the Initial Point before described, thence due North along said line twelve (12) miles more or less to the Initial Point. Containing an area of one hundred (100) square miles more or less. All bearings from True Meridian.

4. Agreement dated December 10, 1932, between the Governor in Council and Richard T. McGrath, of Saint John's, in the Island of Newfoundland, Retired Civil Servant.

DESCRIPTION OF LANDS INCLUDED

General Location:

The area covered by this application is situate in the South Western part of Newfoundland Labrador. It is directly adjacent to and bounded by the Western Shore Line of Lake Chabougamo, the Northern part of which concession extends Westerly to the Height of Land boundary between the Province of Quebec and Newfoundland Labrador.

It is bounded on the North by concession approved to Tobias Jackman, on the East by Crown land, on the South by concession approved to John T. Meaney, and on the West by concession approved to J. T. Cheeseman and the Province of Quebec, as more particularly shown on attached diagram.

Description of Initial Point:

This initial point is located practically in the extreme Northern Portion of Lake Wabush Katsao and in the Northern Part of a Bay at a point where the River a Gregoire enters said Bay. This Initial Point shall be at a point on the Left or East Bank of said River a Gregoire, directly opposite its mouth or outlet into Lake Wabush Katsao, and directly at Flood Water Mark. The geodetic position of said "Initial Point" being in Latitude North 53° 12' and Longitude West 66° 48' according to official Maps.

Description of Area:

Commencing at a point exactly four (4) miles due North of the Initial Point at the Mouth of River a Gregoire above described, thence East along the North Boundary of Concession approved to J. T. Cheeseman to its intersection with the West Shore of Lake Chabougamo at flood water mark, thence Southerly by and along the West Shore of Lake Chabougamo at flood water mark to its intersection with the North boundary of Concession approved to John T. Meaney, thence East along said North Boundary of Meaney's concession to the North East Corner of said concession, a distance of seven (7) miles more or less, thence North eight and one half (81/2) miles more or less to its intersection with a line running East and West and exactly two and one half (21/2) miles North of the North Boundary of Concession approved to J. T. Cheeseman, which is part of the South boundary of the Concession herein described, thence West along South boundary of concession approved to T. Jackman, to its intersection with the Height of Land boundary between the Province of Quebec and Newfoundland Labrador, a distance of twenty-four and a half (241/2) miles more or less, thence by and along said Height of Land boundary between the Province of Quebec and Newfoundland Labrador South-Westerly to its intersection with the North boundary of Concession approved to J. T. Cheeseman, thence East along said North boundary to the point of commencement; a distance of thirteen (13) miles more or less. Containing an area of one hundred (100) square miles more or less. Bearings from True Meridian.

5. Agreement dated December 10, 1932, between the Governor in Council and Michael E. Martin, of Saint John's, in the Island of Newfoundland, Timber Exporter.

DESCRIPTION OF LAND INCLUDED

General Location:

The area covered by this application is situate in the North Western section of Newfoundland-Labrador.

The Southern portion of area lies about sixteen (16) miles to the North West of the North Western shores of Menehek and Astrav Lakes.

It includes both land and water areas being bounded on the East by the height of land boundary between the Province of Quebec and Newfoundland-Labrador and on the West by the East bank of a river and ponds that drain Lake Giachimo, Lake Fleming and Boot Lake thence discharging into the most Westerly Arm of Astray Lake, as more particularly shown on attached diagram.

Description of Initial Point:

This point is located on the East Shore of Boot Lake at flood water mark, and at a point intersected by a line running East and West and three (3) miles North of the Outlet of said Boot Lake. This "Initial Point" is indicated in attached sketch plan of the area. Its Geodetic position is approximately in Latitude North 54°-43 and Longitude W. 67°-05'. It is also the South West corner of the area applied for.

Description of Area:

Commencing at the Initial Point on the East Shore of Boot Lake above described thence East six (6) miles thence North to the Height of Land boundary between Newfoundland-Labrador and the Province of Quebec a distance of three (3) miles more or less thence by and along said height of land boundary between Newfound-land-Labrador and the Province of Quebec Northerly to a point intersected by a line running East and West and distant nineteen (19) miles North of the Initial Point above described thence West to the East bank at flood water mark of river draining Lake Giachimo and Lake Fleming above referred to, thence by and following said East Bank of river and ponds at flood water mark, Southerly to the "Initial Point." Containing an area of one hundred (100) miles more or less. All bearings from True Meridian.

6. Agreement dated December 10, 1932, between the Governor in Council and Fred W. Chalmers, of Saint John's, in the Island of Newfoundland, Mining Engineer.

DESCRIPTION OF LANDS INCLUDED

General Location:

The area covered by this application is in the South Western part of Newfoundland-Labrador.

It is directly adjacent to and bounded by the Western Shore of Lake Wabush-Katsao and extends Westerly therefrom to the line of Watershed or height of land boundary between the Province of Quebec and Newfoundland-Labrador, as more particularly shown on attached diagram. The Northern boundary passing through the "point of commencement" at the mouth of River-aux-Fraises.

Description of "Point of Commencement":

Located in the Northern Portion of Lake Wabush-Katsao, and in the Northern part of D'Aigle Bay, and at a point where the mouth of River aux Fraises enters said D'Aigle Bay. The point of commencement shall be at the intersection of the thread of the stream known as River-aux-Fraises and the shore line of D'Aigle Bay.

This point is accessible. The Geodetic position of said point of commencement being in Latitude North 53°-06', and Longitude West 66°-55', and being the North East corner of the area applied for.

Description of Area:

Commencing at the initial Point described above (said point being in the Northern Portion of Lake Wabush-Katsao, etc.), thence running due West along South Boundary of concession granted to D. S. Bondurant to the line of watershed or height of land boundary between the Province of Quebec and Newfoundland-Labrador, a distance of eleven (11) miles more or less, thence along said height of land boundary Southerly and South Easterly a distance of sixteen (16) miles more or less to its intersection with the South extension of the West boundary of concession granted to C. C. Duley, thence due North along said West boundary of Duley and D. Baird seven and one half (71/2) miles to the North West corner of concession granted to D. M. Baird thence due east along north boundary of concession granted to D. M. Baird to its intersection with the West Shore of Lake Wabush-Katsao at flood water mark, a distance of seven (7) miles more or less, and thence Northerly along and following the West shore line of said Lake at flood water mark to the point of commencement, containing an area of one Hundred (100) square miles more or less.

All bearings from True Meridian.

7. Agreement dated December 10, 1932, between the Governor in Council and Bernard M. McGrath of Saint John's, in the Island of Newfoundland, Gentleman.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is in the South Western Portion of Newfoundland-Labrador. and includes both the land and water areas within the boundaries of the described area. It is bounded on the South by Mineral concession granted to D. Baird and the line of watershed or height of land boundardy between the Province of Quebec and Newfoundland-Labrador, on the West by Mineral concessions granted to D. Baird, F. W. Chalmers and D. S. Bondurant, on the North by Mineral concession granted to J. Cheeseman and on the East by Mineral concession granted to J. T. Meaney.

The Geodetic position of the North East corner of the area being in Longitude W. 66°-41', and Latitude N. 53°-07', according to Official Plans.

Description of Initial Point:

This point is located in the Northern portion of Lake Wabush-Katsao, and in the Northern part of D'Aigle Bay, and at a point where the mouth of the River aux Fraises enters said DAigle Bay. The initial Point shall be at the intersection of the thread of the stream known as Riveraux-Fraises and the shore line of D'Aigle Bay. This point is accessible. The Geodetic position of the said Initial Point being in Latitude North 53°-06', and Longitude West 66°-55'.

Description of Area:

Commencing at the Initial Point described above (said point being in the Northern Portion of Lake Wabush-Katsao, etc.), thence following along the shore line of D'Aigle Bay and said Lake Wabush-Katsao and Lake Chabougamo at flood water mark North Easterly and Easterly to the Western boundary of mineral concession granted to J. T. Meaney, which is a point on the North shore of Lake Chabougamo at flood water mark intersected by a line running due North and South a distance of eight (8) miles East of the Initial Point as described in the Meaney concession, thence due South Sixteen (16) miles more or less to the line of watershed or height of

land boundary between the Province of Quebec and Newfoundland-Labrador, thence along and following said height of land boundary South Westerly two and one half (21/2) miles more or less to the East boundary of mineral concession granted to D. M. Baird thence due North along said Eastern boundary ten and one half $(10\frac{1}{2})$ miles more or less to the North East corner of mineral concession granted to D. M. Baird thence due West along the Northern boundary of Mineral concession granted to D. M. Baird to a point on the West shore of Lake Wabush-Katsao at flood water mark a distance of eight (8) miles more or less, thence along and following the Western shore of Lake Wabush Katsao and D'Aigle Bay at flood water mark Northerly to the Initial Point above described.

Containing an area of One Hundred (100) square miles more or less.

All bearings from True Meridian.

8. Agreement dated Deember 10, 1932, between the Governor in Council and John T. Cheeseman, of Saint John's, in the Island of Newfoundland, Commission Merchant.

DESCRIPTION OF LANDS INCLUDED

General Location:

The area covered by this application is situate in the South Western Part of Newfoundland-Labrador. It is directly adjacent to and bounded by the West Shore of Lake Chabougamo and the North Shore of Lake Wabush-Katsao.

It is bounded on the North by Concession approved to R. T. McGrath, on the East by Concessions approved to R. T. McGrath and J. T. Meaney, on the South by Conces-

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sions approved to B. McGrath, F. W. Chalmers and D. S. Bondurant, and on the West by the Province of Quebec; as more particularly shown on accompanying diagram.

Description of Initial Point:

This Initial Point is located practically in the extreme Northern Portion of Lake Wabush-Katsao, and in the Northern part of a bay at a point where the River a Gegoire enters said Bay. This Initial Point shall be at a point on the Left or East Bank of said River a Gregoire directly opposite its mouth or outlet into Lake Wabush-Katsao, and directly at flood water mark. The geodetic position of said Initial Point being in Latitude North 53°-12' and Longitude West 66°-48', according to official maps.

Description of Area:

Commencing at a point exactly four (4) miles due North of the "Initial Point" above described, thence West to the Height of Land boundary between the Province of Quebec and Newfoundland-Labrador; thence by and along said height of Land boundary between the Province of Quebec and Newfoundland-Labrador South Westerly to its intersection with the North Boundary of Concession approved to Fred W. Chalmers, thence East along said Northern Boundary of F. W. Chalmers to the South West Corner of Concession approved to D. S. Bondurant: a distance of seven (7) miles, more or less. thence North along West boundary of Bondurant's concession exactly seven (7) miles, thence East along North Boundary of Bondurant's Concession exactly six (6) miles, thence South along Bondurant's East boundary to its intersection with the West shore of Lake Wabush-Katsao at flood water mark, thence Northerly and Easterly along the West and Northern shores of Lake Wabush-Katsao and continuing along the West shore of Lake Chabougamo at flood water mark to a point on the West Shore of Lake Chabougamo at flood water mark directly East of the point of commencement thence West to the point of commencement; a distance of six (6) miles more or less. Containing an area of one hundred (100) miles more or less. All bearings from True Meridian.

9. Agreement dated December 10, 1932, between the Governor in Council and John T. Meaney, of Saint John's, in the Island of Newfoundland, Journalist.

DESCRIPTION OF LANDS INCLUDED

The particular area covered by this application is in the South Western portion of Newfoundland-Labrador. The Eastern boundary of this area is approximately the Meridian of Longitude W. 66°-30', and the North boundary the parellel of Latitude N. 53°-08'.

The Geodetic position of the North East corner of the area is therefore according to official maps in Longitude W. 66°-30', and Latitude N. 53°-08'. It includes both land and water, embracing practically all the South Eastern section of Lake Chabougamo, and extending Southward from the parallel of Latitude 53°-08' to the line of watershed or height of land boundary between the Province of Quebec and Newfoundland-Labrador.

Description of Initial Point:

In the Southern portion of Lake Wabush-Katsao and on the eastern shore of said Lake and at the Inlet of River a L'Argent into said Lake. This point to be on the South Bank of the River a L'Argent just above flood water mark and directly opposite this River Mouth or Inlet into Lake Wabush-Katsao. The River a L'Argent referred to above enters Lake Wabush-Katsao about six (6) miles North Easterly along the eastern shore of said Lake from the mouth of the river that enters the most South Western

end of the Lake Wabush-Katsao from Lake Long—(this initial point is more particularly shown on attached diagram).

Description of Area:

Beginning at a point on the South shore of Lake Chabougamo at flood water wark intersected by a line running due North and South and distant eight (8) miles due East of the Initial Point above described, thence due South fourteen (14) miles to the line of watershed or height of land boundary between the Province of Quebec and Newfoundland-Labrador, thence in a North-Easterly direction along and following said height of land boundary between the Province of Quebec and Newfoundland-Labrador a distance of eleven (11) miles more or less to its intersection with a line running due North and South parallel to and distant seven and three-quarter $(7\frac{3}{4})$ miles East of the West boundary of the area running South from the point at flood water mark on the South shore of Lake Chabougamo above described, thence due North ten and one half (101) miles more or less to its intersection with a line running due East and West and four (4) miles due North of the point at flood water mark on the South shore of Lake Chaboughamo above described, thence due West along said East and West line seven (7) miles more or less to its intersection with the Western shore of Lake Chabougamo at flood water mark, thence along the said shore line at flood water mark South Westerly to a point intersected by the West boundary running due North and South through said point on the South shore of Lake Chabougamo above described, thence due South two (2) miles more or less to said point the "point of beginning" as referred to the "Initial Point" above described.

Containing an area of One Hundred (100) square miles more or less.

All bearings referred to True Meridan.

10. Agreement dated December 10, 1932, between the

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Governor in Council and Tobias Jackman, of Saint John's, in the Island of Newfoundlad, Grocer.

DESCRIPTION OF LANDS INCLUDED

General Location:

The area covered by this application is situate in the South Western portion of Newfoundland-Labrador. Its Eastern boundary is located in the Northern end of Lake Chabougamo. It is bounded on the North by Concession approved to Fred M. Wells, on the East by Crown land, on the South by concession approved to Richard T. McGrath, and on the West by the Province of Quebec, as more particularly shown on attached diagram.

Description of "Initial Point":

The "Initial Point" is located practically in the extreme Northern portion of Lake Wabush Katsao and in the North part of a Bay at a point where the River a Gregoire enters said Bay. This Initial Point shall be at a point on the Left or East Bank of said River a Gregoire directly opposite its mouth or outlet into Lake Wabush Katsao, and directly at flood water mark. The geodetic position of said Initial Point being in Latitude North 53°-12' and Longitude West 66°-48' according to official maps.

Description of Area:

Commencing at a point on the North boundary of Concession approved to R. T. McGrath, which point is exactly six and one half (6½) miles due North of the "Initial Point" above described, thence East along said North boundary of Concession of R. T. McGrath to the North East Corner of said concession of R. T. McGrath; a distance of twelve (12) miles more or less; thence North exactly four (4) miles, thence West to the Height of Land boundary between the Province of Quebec and Newfoundland-Labrador, a distance of twenty-three and one half

(23½) miles more or less, thence by and along said height of Land boundary between the Province of Quebec and Newfoundland-Labrador South Westerly to its intersection with the North boundary of Concession approved to R. T. McGrath thence East along said North boundary of Concession of R. T. McGrath, a distance of twelve (12) miles more or less, to the point of commencement. Containing an area of one hundred (100) square miles more or less. All bearings from True Meridian.

11. Agreement dated January 26, 1933, between the Governor in Council and Fred M. Wells, of Little Bay, in the District of Green Bay, Insurance Agent.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western porton of Newfoundland-Labrador, and lies to the North and North West of Lake Chabougamo, and extends in a Westerly direction to the height of land boundary between the Province of Quebec and Newfoundland-Labrador. It is bounded on the North by concession approved to the Great Gull Lake Copper Company, Ltd.; on the East by Crown land; on the South by concession approved to Tobias Jackman and on the West by the Province of Quebec, as more particularly shown on attached diagram.

Description of Initial Point:

This "Initial Point" is located practically in the extreme Northern portion of Lake Wabush-Katsao and in the Northern part of a bay at a point where the River a Gregoire enters said Bay. This "Initial Point" shall be at a point on the Left or East Bank of said River a Gregoire, directly opposite its mouth or outlet into Lake Wabush-Katsao and directly at flood water mark. The geodetic

position of said "Initial Point" being in Latitude North 53° 12' and Longigtude West 60° 48', according to official maps.

Description of Area:

Commencing at a point exactly ten and one half (101) miles due North of the "Initial Point" at the mouth of River a Gregoire above described, which point is also exactly four (4) miles due North of the starting point of the concession approved to Tobias Jackman, thence due East along North boundary of concession to Tobias Jackman to the North East corner of said Jackman concession, a distance of twelve (12) miles, more or less, thence due North exactly four (4) miles, thence due West to the height of land boundary between the Province of Quebec and Newfoundland-Labrador, thence South Westerly by and along said height of land boundary to its intersection with the North boundary of concession approved to Tobias Jackman, thence due East along said North boundary of Jackman concession to the point of commencement, a distance of eleven (11) miles more or less. Containing an area of One Hundred (100) square miles more or less. Bearings from True Meridian.

12. Agreement dated January 26, 1933, between the Governor in Council and C. W. G. Tessier, of Saint John's, in the Island of Newfoundland, Merchant.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western part of Newfoundland-Labrador. It lies to the East and West of Lake Achouanipi in Newfoundland-Labrador, and extends West to the height of land boundary between the Province of Quebec and Newfoundland-Labrador.

It is bounded on the North by concession approved to James D. Rendell, on the East and South by Crown land and on the West by the Province of Quebec, as more particularly shown on attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the Outlet of Lake Achouanipi and on the Right or East Bank of the River at flood water mark. It shall be directly opposite the Outlet of the River Achouanipi from Lake Achouanipi. The geodetic position of the "Initial Point" is in Latitude North 52° 59' and Longitude West 66° 18' according to official plans.

Description of Area:

Commencing at the "Initial Point" at the outlet of Lake Achouanipi above described, thence due East exactly three and one half $(3\frac{1}{2})$ miles, thence due South exactly ten (10) miles, thence due West to the height of land Boundary between the Province of Quebec and Newfoundland-Labrador, thence North by and along said height of land boundary between the Province of Quebec and Newfoundland-Labrador and the East boundary of concession approved to J. T. Meaney if necessary to a point directly due West of the "Initial Point" above described, thence due East eight and one half $(8\frac{1}{2})$ miles more or less to the "Initial Point." Containing an area of one hundred (100) square miles, more or less. Bearings from True Meridian.

13. Agreement dated January 26, 1933, between the Governor in Council and James D. Rendell, of Saint John's, in the Island of Newfoundland, Merchant.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-

Labrador, the Eastern part of concession being entirely traversed by Achouanipi River as it runs North from Lake Achouanipi. It is bounded on the North and East by Crown land, on the South by concession approved to C. W. G. Tessier and on the West by concession approved to John T. Meaney, as more particularly shown in attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the River at flood water mark. It shall be directly opposite the outlet of the River Achouanipi from Lake Achouanipi. The geodetic position of the "Initial Point" is in Latitude North 52°\59° and Longitude West 66° 18' according to official plans.

Description of Area:

Commencing at the "Initial Point" at the outlet of Lake Achouanipi above described, thence due East along the North boundary of concession approved to C. W. G. Tessier exactly three and one-half (3½) miles to the North East corner of said concession of Tessier, thence due North exactly (8) miles thence due West a distance of twelve (12) miles more or less to the East boundary of concession approved to John T. Meaney, thence due South along said East boundary of Meaney's concession and if necessary the height of land boundary between the Province of Quebec and Newfoundland-Labrador to its intersection with the North boundary of concession approved to C. W. G. Tessier thence due East along said North boundary of Tessier's concession to the "Initial Point" a distance of eight and one half (83) miles more or less. Containing an area of one hundred (100) square miles more or less. Bearings from True Meriddian.

^{14.} Ageement dated February 20, 1933, between the Governor in Council and Thomas Molloy, of Saint John's, in the Island of Newfoundland, Harness-maker.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador. It lies to the North and North West of Lake Chabougamo, and extends in a Westerly direction to the height of land boundary between the Province of Quebec and Newfoundland-Labrador. The Eastern portion of this concession is traversed in a North direction by Achouanipi River as it flows towards Menehek Lake.

It is bounded on the North and East by Crown land; on the South by concession approved to Thomas Smythe and on the West by the Province of Quebec, as more particularly shown on attached diagram.

Description of Initial Point:

This "Initial Point" is located practically in the extreme Northern portion of Lake Wabush-Katsao and in the Northern part of a bay at a point where the River a Gregoire enters said Bay. This "Initial Point" shall be at a point on the left or East bank of said River a Gregoire, directly opposite its mouth or outlet into Lake Wabush-Katsao, and directly at flood water mark. The geodetic position of said "Initial Point" being in Latitude North 53° 12' and Longitude West 66° 48', according to official maps.

Description of Area:

Commencing at a point exactly twenty-three and one-half $(23\frac{1}{2})$ miles North of the "Initial Point" at the mouth of River a Gregoire above described, which point is also exactly four and one half $(4\frac{1}{2})$ miles due North of the starting point of concession approved to Thomas Smyth, thence due East along the North boundary of concession approved to Thomas Smythe to the North East corner of said concession of Smythe, a distance of twelve

(12) miles more or less, thence due North exactly five (5) miles, thence due West to the height of land boundary between the Province of Quebce and Newfoundland-Labrador, thence South Westerly by and along said height of land boundary between the Province of Quebce and Newfoundland-Labrador to its intersection with the North boundary of concession approved to Thomas Smythe and thence due East along said North boundary of Smythe's concession eight (8) miles more or less to the point of commencement. Containing an area of one hundred (100) square miles more or less. Bearings from True Meridian.

15. Agreement dated February 20, 1933, between the Governor in Council and Henry J. Cowan, of Saint John's, in the Island of Newfoundland, Broker.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador, the South Western corner of which, according to official plans, is crossed by Achouanipi River as it runs from Lake Achouanipi. It is bounded on the North and East by Crown land; on the South by Crown land and concessions applied for by J. H. Devine and J. F. Breen, and on the West by concessions approved to Fred M. Wells, The Great Gull Lake Copper Co. and Thomas Smythe; as more particularly shown on attached diagram.

$Description\ of\ Initial\ Point:$

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark.

It shall be directly opposite the outlet of the River

Achouanipi from Lake Achouanipi. The geodetic position of the ''Initial Point'' is in Latitude North 52° 59' and Longitude West 66° 18', according to official plans.

Description of Area:

Commencing at a point, which point is exactly twenty-seven (27) miles due North of the "Initial Point" above described, thence due West eight and one-third miles more or less to the East Boundary of concessions approved to F. M. Wells, The Great Gull Lake Copper Company and Thomas Smythe, thence due North along said East Boundary of concessions approved to F. M. Wells, The Great Gull Lake Copper Company, Ltd., and Thomas Smythe, a distance of exactly eight and one-third (8 1-3) miles, thence due East exactly twelve (12) miles, thence due South exactly eight and one-third (8 1-3) miles, thence due West three and two-thirds (3 2-3) miles more or less to the point of commencement. Containing an area of one hundred (100) square miles more or less. Bearings from True Meridian.

16. Agreement dated April 20, 1933, between the Governor in Council and The Great Gull Lake Copper Company, Limited, a Company Incorporated in Newfoundland.

DESCRIPTION OF LANDS INCLUDED

General Location:

The area covered by this application is situated in the South Western portion of Newfoundland-Labrador and lies to the North and North West of Lake Chabougamo. It extends in a Westerly direction to the height of land boundary between the Province of Quebec and Newfoundland-Labrador.

It is bounded on the North by concession approved to Thomas Smythe, on the East by Crown land, on the South by concession approved to F. M. Wells, and on the West by the Province of Quebec; as more particularly shown on attached diagram.

Description of Initial Point:

This "Initial Point" is located practically in the extreme Northern portion of Lake Wabush-Katsao and in the Northern part of a bay at a point where the River a Gregoire enters said Bay. This "Initial Point" shall be at a point on the left or East bank of said River a Gregoire. directly opposite its mouth or outlet into Lake Wabush-Katsao, and directly at flood water mark. The geodetic position of said "Initial Point" being in Latitude North 53° 12' and Longitude West 66° 48', according to official maps.

Description of Area:

Commencing at a point exactly fourteen and one half (141) miles due North of the "Initial Point" at the mouth of River a Gregoire above described, which point is also exactly (4) miles due North of the starting point of concession approved to F. M. Wells, thence due East along North boundary of concession of F. M. Wells to the North East corner of said Wells' concession, a distance of twelve (12) miles more or less, thence due North exactly four and one half (44) miles, thence due West to the height of land boundary between the Province of Quebec and Newfoundland-Labrador, thence South Westerly by and along said height of land boundary between the Province of Quebec and Newfoundland-Labrador to its intersection with the North boundary of concession approved to F. M. Wells, thence due East along said North boundary of the Wells' concession, a distance of ten (10) miles more or less to the point of commencement. Containing an area of one hundred (100) square miles more or less. Bearings from True Meridian.

^{17.} Agreement dated April 20, 1933, between the

Governor in Council and Thomas Smythe, of Saint John's, in the Island of Newfoundland, Commission Merchant.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador. It lies to the North West of Lake Chabougamo and extends in a Westerly direction to the height of land boundary between the Province of Quebec and Newfoundland-Labrador. The eastern end of this concession is traversed in a North West direction by Achouanipi River as it flows towards Menehek Lake. It is bounded on the North by concession approved to Thomas Molloy, on the East by Crown land, on the South by concession approved to the Great Gull Lake Copper Co., Ltd., and on the West by the Province of Quebec: as more particularly shown on attached diagram.

Description of Initial Point:

This "Initial Point" is located practically in the extreme Northern portion of Lake Wabush-Katsao and in the Northern part of a bay at a point where the River a Gregoire enters said Bay. This "Initial Point" shall be at a point on the left or East bank of said River a Gregoire, directly opposite its mouth or outlet into Lake Wabush-Katsao, and directly at flood water mark. The geodetic position of said "Initial Point" being in Latitude North 53° 12' and Longitude West 66° 48' according to official maps.

Description of Area:

Commencing at a point exactly nineteen (19) miles due North of the "Initial Point" at the mouth of River a Gregoire above described, which point is also exactly four and one half $(4\frac{1}{2})$ miles due North of the starting point of concession approved to the Great Gull Lake Copper Company, Limited, thence due East along North

boundary of concession of The Great Gull Lake Copper Company, Limited, to the North East corner of said Great Gull Lake concession, a distance of twelve (12) miles more or less, thence due North exactly four and one half $(4\frac{1}{2})$ miles, thence due West to the height of land boundary between the Province of Quebec and Newfoundland-Labrador, thence South Westerly by and along said height of land boundary between the Province of Quebec and Newfoundland-Labrador to its intersection with the North boundary of concession approved to The Great Gull Lake Copper Company, thence due East along said North boundary of The Great Gull Lake concession, a distance of nine (9) miles more or less to the point of commencement. Containing an area of one hundred (100) square miles more or less. Bearings from True Meridian.

18. Agreement dated May 1, 1933, between the Governor in Council and James J. Collins of Saint John's, in the Island of Newfoundland, Wireless Operator.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador. It lies to the North of Lake Achouanipi and is bounded on the North by mineral concession granted to M. G. Chambers, on the East by Crown land, on the South by mineral concession granted to W. A. MacKay, and on the West by mineral concessions granted to J. H. Devine and H. J. Cowan; as more particularly shown in attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark. It shall be directly opposite

the outlet of the river Achouanipi from Lake Achouanipi. The geodetic position of the Initial Point is in Latitude 52° 59' and Longitude West 66° 18', according to official plans.

Description of Area:

Commencing at a point on the Eastern boundary of mineral concession granted to J. H. Devine, which point is located exactly two (2) miles due East of a point exactly seventeen and one half (171/2) miles due North of the "Initial Point" above described, thence due North along said Eastern boundary of mineral concession granted to J. H. Devine nine and one half (9½) miles more or less to the South boundary of mineral concession granted to H. J. Cowan, thence due East along said Southern boundary of Cowan concession exactly one and one half $(1\frac{1}{2})$ miles to the South East corner of said Cowan concession, thence due North along the East boundary of Cowan concession exactly eight and one third (8 1-3) miles. thence due East exactly five (5) miles, thence due South seventeen point eight three three (17.833) miles to the North East corner of mineral concession granted to W. A. MacKay, thence due West along the North boundary of mineral concession granted to the said W. A. MacKay six and one half $(6\frac{1}{2})$ miles to the point of commencement. Containing an area of one hundred (100) square miles.

All bearings from True Meridian.

19. Agreement dated May 1, 1933, between the Governor in Council and William A. MacKay, of Saint John's, in the Island of Newfoundland, Hotel Manager.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western part of Newfoundland-Lab-

rador. It lies to the North East of Lake Achouanipi and is bounded on the North by mineral concession granted to James J. Collins, on the East and South by Crown lands and on the West by concession granted to J. D. Rendell and concession applied for by J. H. Devine; as more particularly shown on attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark. It shall be directly opposite the outlet of the river Achouanipi from Lake Achouanipi. The geodetic position of the "Initial Point" is in Latitude North 52° 59' and Longitude West 66° 18', according to official plans.

$Description\ of\ Area:$

Commencing at a point exactly three and one half (31/2) miles due East of the "Initial Point" above described, which point is the South East corner of mineral concession granted to James D. Rendell, thence due North along the Eastern boundary of concession granted to J. D. Rendell exactly eight (8) miles, thence due West along North boundary of concession granted to said Rendell exactly one and one half (11/2) miles to the South East corner of concession applied for by J. H. Devine, thence due North along Eastern boundary of mineral concession applied for by the said J. H. Devine exactly nine and one half (9½) miles, thence due East by South boundary of concession granted to J. J. Collins exactly six and one half (61/2) miles, thence due South exactly seventeen and one half (171/2) miles, thence due West exactly five (5) miles to the point of commencement. Containing an area of one hundred (100) square miles, more or less. Bearings from True Meridian.

20. Agreement dated May 1, 1933, between the Governor in Council and T. Seanlan McGrath, of Saint John's, in the Island of Newfoundland, Barrister and Solicitor.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador. It is central crossed by Lake Achouanipi and extends Westerly to the height of land boundary between Newfoundland-Labrador and the Province of Quebec. It is bounded on the North by mineral concession granted to W. A. MacKay, on the East and South by Crown land and on the West by the Province of Quebec and mineral concession granted to C. W. G. Tessier; as more particularly shown in attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark. It shall be directly opposite the outlet of the river Achouanipi from Lake Achouanipi. The geodetic position of the Initial Point is in Latitude 52° 59' and Longitude 66° 18' according to official plans.

Description of Area:

Commencing at a point exactly three and one half (3½) miles due East of the Initial Point above described, which point is the North East corner of the mineral concession granted to C. W. G. Tessier, thence due East by and along the Southern Boundary of mineral concession granted to W. A. MacKay exactly five (5) miles, thence due South exactly thirteen and one half (13½) miles, thence due West thirteen (13) miles more or less to the height of land boundary between the Province of Quebec and Newfoundland-Labrador, thence Northerly by and along said height of land boundary between the Province of Quebec and Newfoundland-Labrador three and one half (3½) miles more or less to the South boundary of mineral concession granted to C. W. G. Tessier, thence due East by and along said Southern boundary of Tessier

concession to the South East corner of said Tessier concession nine (9) miles more or less, thence due North exactly ten (10) miles to the point of commencement. Containing an area of one hundred (100) square miles more or less. Bearings from true Meridian.

21. Agreement dated May 1, 1933, between the Governor in Council and John F. Breen, of Saint John's, in the Island of Newfoundland, Barber.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western part of Newfoundland-Labrador. It lies to the North and West of Lake Achouanipi and is bounded on the North by mineral concession granted to H. J. Cowan; on the East by an application of J. H. Devine; on the South by a mineral concession granted to James D. Rendell, and on the West by concessions granted to John T. Meaney, Richard T. McGrath, Tobias Jackman and Fred M. Wells, as more particularly shown on attached diagram.

$Description \ of \ Initial \ Point:$

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark. It shall be directly opposite the outlet of the river Achouanipi from Lake Achouanipi. The geodetic position of the Initial Point is in Latitude 52° 59' and Longitude West 66° 18', according to official plans.

Description of Area:

Commencing at a point on the North boundary of concession granted to J. D. Rendell, which point is located exactly three and one quarter (3½) miles due West of a point exactly eight (8) miles due North of the "Initial Point" above described thence due West five and one

quarter (5½) miles more or less to the Eastern boundary of concession granted to John T. Meaney, thence due North by the Eastern boundaries of mineral concessions granted to the said John T. Meaney and Richard T. McGrath, Tobias Jackman and Fred M. Wells nineteen (19) miles more or less to the Southern boundary of mineral concession granted to H. J. Cowan, thence due East along said boundary five and one quarter (5½) miles to the North West corner of mineral concession applied for by J. H. Devine, thence due South along West boundary of said mineral concession applied for by J. H. Devine nineteen (19) miles more or less to the point of commencement. Containing an area of one hundred (1,00) square miles more or less.

Bearings from True Meridian.

22. Agreement dated May 1, 1933, between the Governor in Council and John H. Devine, of Saint John's, in the Island of Newfoundland, Barrister and Solicitor.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is situate in the South Western portion of Newfoundland-Labrador. It lies to the North of Lake Achouanipi and is bounded on the North by mineral concession granted to H. J. Cowan, on the East by mineral concessions granted to J. J. Collins and W. A. MacKay, on the South by mineral concession granted to J. D. Rendell and on the West by mineral concession granted to J. F. Breen; as more particularly shown on attached diagram.

Description of Initial Point:

The "Initial Point" is located directly at the outlet of Lake Achouanipi and on the right or East bank of the river at flood water mark. It shall be directly opposite the outlet of the river Achouanipi from Lake Achouanipi.

The geodetic position of the Initial Point is in Latitude 52° 59' and Longitude West 66° 18', according to official plans.

Description of Area:

Commencing at a point on the North boundary of mineral concession granted to J. D. Rendell, which said point is located exactly three and one quarter (31/4) miles due West of a point exactly eight (8) miles due North of the "Initial Point" above described, thence due East along said North boundary of Rendell concession exactly five and one quarter (51/4) miles, thence due North along West boundary of mineral concessions granted to W. A. MacKay and J. J. Collins nineteen (19) miles more or less to the South boundary of mineral concession granted to H. J. Cowan, thence due West along said Southern boundary of Cowan concession exactly five and one quarter (51/4) miles to the North East corner of mineral concession granted to J. F. Breen, thence due South along the Eastern boundary of mineral concession granted to the said J. F. Breen nineteen (19) miles more or less, to the point of commencement. Containing an area of one hundred (100) square miles more or less.

Bearings from True Meridian.

23. Agreement dated May 5, 1933, between the Governor in Council and Malcolm G. Chambers, of Saint John's, in the Island of Newfoundland, Clerk.

DESCRIPTION OF LANDS INCLUDED

General Location:

The particular area covered by this application is to the West of River running from Gabbro Lake into Sandgirt Lake. The River crosses the Easternmost corners of the concession applied for herein. It is surrounded on all sides by Crown land; as more particularly shown on the accompanying diagram.

Description of Initial Point:

The "Initial Point" is located three miles due East of the extreme Western extremity of a long point on the East shore and at the North end of Gabbro Lake. In measuring Eastward from the extreme end of the point, the flood water mark shall be used. The geodetic position of the Initial Point is in Longitude 65° 27' West and Latitude 53° 43' North.

Description of Area:

Commencing at the Initial Point, above described, thence running South forty-five degrees West exactly four and one-half (4½) miles thence North forty-five degrees West exactly nineteen and one half (19½) miles thence North forty-five degrees East exactly four and one-half (4½) miles thence South forty-five degrees East exactly thirteen miles (13) thence North forty-five degrees East exactly six and one-eighth (6 1-8) miles thence South forty-five degrees East exactly two (2) miles thence South forty-five degrees West exactly six and one-eighth (6 1-8) miles thence South forty-five degrees East exactly four and one-half (4½) miles to the point of commencement. Containing an area of one hundred (100) square miles.

All bearings from True Meridian.

CAP, XXXIV.

AN ACT TO AMEND THE ACT 18 GEORGE V., CHAPTER 11, ENTITLED "AN ACT TO GOVERN THE GRANTING OF LANDS AND RIGHTS IN LABRADOR."

(Passed May 23, 1933)

SECTION 1-Amendment of Act 18 Geo. V., Cap. 11.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Amendment of Act 18, Geo. ec V., Cap. 11.

1. The Act 18 George V., Chapter 11, is hereby amended by striking out the words "Chapter 129 of the Consolidated Statutes 1916, entitled 'Of Crown Lands, Mines and Minerals' or of any amending Acts" from the first Section thereof and the words "Chapter 129 of the Consolidated Statutes aforesaid or of any amending Acts" from sub-section (1) of the Second Section thereof and the words "Crown Lands Act" and "Crown Lands Act" from sub-section (2) of the second Section and substituting in each case the words "the Crown Lands Act for the time being in force."

CAP. XXXV.

AN ACT RELATING TO FOREST FIRES

(Passed May 23, 1933)

SECTION

1933

- 1.—Interpretation.
- 2.—Precautions against Forest Fires; penalty for non-observance.
- 3.—Owner or Occupant of Land, Liability of.
- 4.—Permits to burn.
- 5.—Prima facie evidence as to starting of fires.
- 6.—Posting, etc., of copies of Act.
- 7.—Extinguishing of Fires. 8.—Safety Appliances on
- Locomotives. 9.—Precautions to be taken in relation to Locomotives; Duties of Officials; Inspection.
- 10.—Clearing woods, etc., along track or railways.
- 11.—Saving of Civil Reme-
- dies. 12.—Magistrates and Officers
- to enforce Act. 13.—Chief Woods Ranger;

SECTION

- other Rangers.
- 14.—Chief Ranger to be a Game Officer.
- 15.—Chief Ranger may hold
- enquiries; Oaths. 16.—Evidence in enquiries, preservation of.
- 17.-Watchmen on portable mills.
- 18.—Precautions in connection with Saw-mills.
- 19.—Prima facie evidence where fire starts near
- 20. Destruction of fire-warning posters; penalty.
- 21.—Warning notices.
- 22.—Reports by Rangers.
- 23.—Rewards for Information.
- 24.—Limitation of Prosecutions.
- 25.—Recovery of Penalties
- 26.—Short Title.
- 27.—Repeal.
- Re it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. In this Act, unless the context otherwise requires, Interpretation. the expression "woods" includes wood, forest, track covered by underwood, barren and dry marsh or bog.
 - 2. Every person who—

Precautions against Forest Fires; penalty

(1) Sets out, lights or starts, or causes to be set for non-obout, lighted or started, any fire in or near any servance.

woods, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; or

- (2) Makes or starts, or causes to be made or started, a fire for the purpose of clearing land without obtaining a permit to burn and, whether such permit shall have been obtained or not, without exercising and observing every reasonable care and precaution in the making and starting of such fire and in the managing of and caring for and controlling the same after it has been made and started, in order to prevent the same from spreading and burning up the trees, shrubs or plants surrounding, adjoining, or in the neighbourhood of the place where it has been so made and started; or
- (3) Between the fifteenth day of April and the first day of December, makes or starts or causes to be made or started, a fire in or near any woods, or upon any island, for cooking or obtaining warmth, or for any industrial purpose, without observing the following precautions, that is to say:
 - (a) Selecting a locality in the neighbourhood in which there is the smallest quantity of dead wood, branches, brushwood, dry leaves, resinous trees, heath, peat, turf, dry moss or vegetable matter of any kind.
 - (b) Clearing the place in which he is about to light a fire by removing all dead wood, branches, brushwood, dry leaves, resinous trees, heath, peat, turf, dry moss and other vegetable matter from the soil within a distance of ten feet from the fire in every direction.

- (c) Exercising and observing every reasonable care to prevent such fire from spreading and carefully extinguishing the same before quitting the place; or
- (4) Throws or drops any burning match, ashes of a pipe, lighted cigar, cigarette, or any other burning substance, or discharges any firearm in the woods, barrens, fields or other place where there is vegetable matter, if he neglects completely to extinguish before leaving the spot, the fire of such match, ashes of a pipe, cigar, cigarette, wadding of the firearm, or other burning substance; or
- (5) Throws or drops any burning match, ashes of a pipe, lighted cigar or cigarette, or any other burning substance from a railway train; or
- (6) Makes, lights or starts, or cauess to be made, lighted or started, except for the purpose named in sub-section (1) hereof, a fire on any land not owned or occupied by himself, or does not prevent any fire made, lighted or started on land owned or occupied by him, from extending to land not owned by him

shall be liable to a penalty of not less than fifty dollars nor more than four hundred dollars for each offence, or to imprisonment for any period not ex ceeding twelve months.

3. The owner or occupant of the land upon which Owner or any fire mentioned in the next preceding section is made or Occupant of originates shall be deemed and taken to be the person of Land, Liability of. fending, and shall be liable to the several penalties provided by this Act, unless such owner or occupant proves to the satisfaction of the Justice, Court or Judge before whom he is tried that such fire was not made, lighted or started by him, nor by any person by his direction or in his employment.

Permits to burn.

- 4. (1) Every person setting between the fifteenth day of April and the first day of December, any fire to clear land for agricultural and building purposes shall first obtain the written permission of the Minister or of any person authorized by the Minister to issue burning permits.
- (2) The person issuing the permit to burn shall decide what precautions are to be taken in the special circumstances of each case.
 - (3) In every case, however, the material to be burned must be piled in heaps or rows at a distance of at least fifty feet from the forest, and it shall be the duty of the person so authorized to make a fire to remain on the spot until the fire is completely extinguished.
 - (4) The fact of obtaining a permit to burn shall not discharge the person obtaining the same from general responsibility for any damages caused by the fire so lighted.
 - (5) The permit thus obtained shall not allow the setting of a fire at the time mentioned if a heavy wind is blowing at that time, or if conditions of special fire hazard exist such as might cause a fire outside of the place indicated.
 - (6) The permit to burn may be cancelled or temporarily suspended by the issuer or the Minister at discretion. The Minister may suspend the operation of all permits by public notice during periods of extreme fire hazard.
 - (7) The permit shall be in the following form:

PERM	ATT.	TO	RI	RN

No

Issued under the Forest Fires Act by the De-

partment of Agri	iculture an	d Mines.	Place
	. Date		
This permit auth	orizes Mr.		
of		to	burn slash
or debris on his	property a	t	
between the	day of		
19 and the	day of		19 .
(Signed)			

- (8) The person granting the permit shall define in writing on the back of the permit the precautions to be taken under the special circumstances of each case and shall explain the provisions of this Act to the holder of the permit as well as the responsibility he may incur under the same.
- 5. When a fire originates on Crown lands and in the $_{\rm Prima\ facie}$ neighbourhood of any place where it has been ascertained $_{\rm evidence}$ as that a person or number of persons were a short time pre- to starting viously to the happening of such fire camping, cooking, fishing, or engaged in some industrial occupation, he or they shall be taken to be the party or parties offending against section 2 of this Act, and shall be liable to the penalties thereunder, unless he or they shall prove to the satisfaction of the Court or Judge before whom the trial takes place that such fire was not made, started or lighted by him or them or by anyone in his or their company or service, or by his or their direction.

6. (1) Every person in charge of any drive of timber, Posting, etc., survey or exploring party, or of any other of copies of party requiring camp fires for cooking or other Act. purposes, shall provide himself with a copy of this Act, and the same shall post up in some prominent place in each camp, and shall explain to every man employed by him before

permitting him to begin work the provisions

and penalties embodied therein, and such person in charge as aforesaid shall be responsible that every man employed by him or under his control is fully informed regarding the said provisions hereof. And it shall be incumbent on such person as aforesaid to call his men together and to cause the Act to be read in their hearing before any intended operation is begun.

(2) Every person who neglects or refuses to comply with the provisions of this section shall be liable to a penalty of not less than five dollars, nor more than one hundred dollars.

Extinguishing of Fires.

7. When any woods or barrens are on fire it shall be the duty of the Chief Ranger, Magistrates, Justices of the Peace and Constables, and each and every one of them, to order so many of the men between the ages of eighteen and fifty years living or residing in the neighbourhood of the place where such fire is, as they severally deem necessary, to repair to the place where such fire is in progress without fee or reward and there to assist in extinguishing the same or in stopping its progress, and any such person, so ordered, who refuses or neglects to obey such order shall be liable to a penalty of not less than five dollars nor more than one hundred dollars.

Safety Appliances on Locomotives.

- 8. (1) Every locomotive engine on any railway which passes through any woods shall be provided with and have in use all the most approved and efficient means to prevent the escape of fire from the furnace or ash-pan of such engine, and the smokestacks used shall be constructed of the newest and most improved pattern, so as to prevent the escape of fire or burning materials therefrom.
 - (2) every company or person owning or operating any locomotive engine which shall be used in

violation of this section shall be liable to a penalty of five hundred dollars for each offence.

9. (1) It shall be the duty of every engine driver in Precautions to charge of a locomotive engine passing over be taken in relation to such railway to see that all such appliances Locomotives; as are in the next preceding section mentioned Duties of Officials; Inare properly used and applied, so as to prevent spection. the unnecessary escape of fire from any such engine. Where engineers or conductors or train-men discover that any portion of the railway premises or woodlands adjacent to the railroad are burning or in danger from fire. it shall be their duty to take immediate steps to extinguish such fire and to prevent it from extending from the railway premises to any adjoining woods or premises, and to report the same to the company at the next telegraph station on or in connection with the railway and it shall be the duty of the company to advise the Minister of Agriculture and Mines forthwith of the nature, extent and location of such fire.

- (2) Every engine driver or other railway official, or railway company, who violates the provisions of this section shall be liable to a penalty of not less than ten dollars nor more than two hundred dollars for each offence:
- (3) Every company operating any Railway in Newfoundland, and the Newfoundland railway, shall make provision for regular places along its line of railway at which places, and at no others, ashes from fire boxes of locomotives may be dumped, and notification of the provision of such places shall be sent to the Governor in Council by the said company and

by the Manager of the Newfoundland railway. Any company or engine driver or other railway official who violates the provisions of this section shall be liable to a penalty for each offence not exceeding twenty-five dollars;

- (4) In any action for a penalty for violation of any of the provisions of sections 8 or 9, and in any action for damages occasioned, or alleged to have been occasioned, by fire from locomotive engines on any railway, said engines shall be presumed not to be provided with the most improved and efficient means used to prevent the escape of fire from the furnace or ashpan of such engine, and the smokestack thereof not to be constructed as required by section 8 hereof, unless and until it is proved by the railway company or engine driver that such engine is so provided and constructed;
- (5) Any company operating locomotives in this Dominion shall make arrangements whereby the Government Engineer, the Chief Ranger and Assistant Ranger, and any other person duly authorized by him or them, shall be permitted to board any engine wherever the same may be stopped for any purpose, and to travel on such engine free of charge, and every facility and assistance shall be given to such Engineer, Ranger, Assistant Ranger, and any such other person to examine everything in connection with said engine and its operation: Provided that no company shall be compelled to receive on board an engine more than one such person at one time. Should the said Engineer, Ranger or other person discover that the contrivances for arresting sparks or for the prevention of the escape of ashes from the ash-pan of the engine be out of order, or de-

fective, or that anything else in connection with the engine is in a condition to endanger in any way property along the railway, it shall be his duty and he is hereby empowered to order the engine to be stopped until such defect be remedied to his satisfaction.

10. Wherever a railway passes through woods the Clearing woods railway company shall clear from off the sides of the etc., along track or railway to a reasonable distance therefrom all combust-railways. ible material by safe burning or otherwise, and any company violating the provisions of this section shall be liable to a penalty for each offence of one hundred dollars.

11. Nothing in this Act contained shall be held to Saving of limit or interfere with the right of any person to main- Civil Remetain an action for damages occasioned by fire and such right shall remain and exist as though this Act had not been passed. And in such action for damages proof that the defendant, or any person by his direction or authority or in his employment, or with his consent, express or implied, started such fire in violation of this Act, shall be conclusive evidence of negligence on the part of the defendant in starting such fire.

12. It shall be the duty of all Stipendiary Magis- Magistrates trates, Justices of the Peace, Deputy Surveyors and other and Officers to enforce officers of the Department of Agriculture and Mines Act, and of all fishery wardens, game wardens and guides, and of the Chief Ranger, and rangers appointed by him to enforce the provisions and requirements of this Act and in all cases coming within the knowledge of any such officers to prosecute every person guilty of a breach of any of the provisions of the same, under a penalty of not less than ten dollars nor more than one hundred dollars for each omission of duty.

13. (1) The Governor in Council may appoint a Chief Chief Woods Ranger; other Woods Ranger, whose duty it shall be to take Rangers.

all suitable measures for carrying into effect the provisions of this Act.

- (2) The duties of said Chief Woods Ranger shall include the following:
 - (a) To travel periodically over all woodlands whether belonging to the Crown or private owners or under lease from the Crown;
 - (b) To appoint when necessary other persons to act as assistant rangers under his direction and in such places as he may direct.
 - (c) To institute prosecutions against all persons offending against any of the provisions of this Act.
 - (d) To trace the origin of every woods fire and fully report the same to the Minister of Agriculture and Mines.
 - (c) To placard or cause to be placarded notices containing warnings with reference to woods fires throughout the Dominion.
 - (f) To perform such other duties as may, from time to time, be required of him by the Minister of Agriculture and Mines.
 - railway being operated in this Dominion, and to instruct when necessary, any other persons who may be appointed either under sub-section (b) above or who may be specially appointed by him for the purpose, to board any such engines, and to

travel upon the same and to examine them both regarding the apparatus with which they are fitted and regarding the manner of their operation, with a view to the proper carrying out of this Act and to the prevention of fire generally; and

- (h) To make on or before the thirty-first day of December in each year a full report to the Minister of Agriculture and Mines. setting forth the number of days spent in the performance of his duties, the number of rangers appointed, and in whose employ such rangers are, the number and extent of fires during the year, giving the origin of such fires as far as may be possible, the number of prosecutions instituted by him against offenders and the results of such prosecutions, and all other necessary data pertaining to the duties of his office.
- (3) Any men appointed as rangers by such Chief Ranger shall be entitled to be paid by the proprietor or propietors of the property that they are appointed to patrol, when such persons are so appointed at the request or on the application of such proprietors, at a rate to be settled between the Chief Ranger and such proprietor or proprietors at the time of appointment.

14. It shall be the duty of the Chief Ranger, in con-Chief Ranger nection with his duties in relation to the preservation of to be a Game woods against fires, to be an officer for the enforcement Officer. of the Game Laws of the Dominion, and he shall institute proceedings for any violation of the provisions of such Game Laws which come under his observation, or are

otherwise reported to him; and the rangers appointed by such Chief Ranger shall also be ex officio while so employed game wardens.

Chief Ranger may hold enquiries; Oaths.

- 15. The Chief Ranger under this Act shall have power to hold formal investigations as to the origin of fires, and may summon persons to appear before him to give evidence, and shall be authorized to administer an oath to all witnesses examined before him. The form of oath to be administered to any witness shall be as follows:
- "You, A. B., do swear that you will make true answers to all questions that may be put to you on this examination. So help you God."

Evidence in servation of.

16. The evidence taken before such Chief Ranger and enquiries, pre- his report in respect to any such investigation shall, at its conclusion, be duly filed with a Magistrate in the District in which such investigation is held, and a copy sent to the Minister of Agriculture and Mines.

Watchmen on portable mills.

17. Where portable mills are used in or within sixty rods of any woods, a competent person shall, during such portions of the year as the same are in operation, be employed by the owners or proprietors to act as fire watchman during such hours of the day or night as the mill is not running, under a penalty of twenty dollars a day for each day that such watchman is not employed.

connection with Sawmills.

18. Every saw mill or other factory manufacturing Precautions in or burning wood in this Dominion shall if it use a steam boiler be fitted with a substantial smoke-stack, and such smoke-stack shall be of a height to be designated by the boiler inspector in accordance with the size of the boiler employed. Unless such smoke-stack exceed fifty feet in height from the ground it shall be fitted with a spark arrester, the form of which shall be approved by the boiler inspector, and the same shall be kept in good order and shall be subject to the inspection of the boiler inspector,

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whose duty it shall be to report to the Minister of Agriculture and Mines all cases where these provisions are neglected or improperly carried out. It shall be the duty of the boiler inspector to draw up regulations regarding the height of smoke-stacks and form of spark arresters as above provided, and to publish such regulations in the Newfoundland Gazette.

- 19. Where any fire starts in the immediate vicinity of Prima facie a saw mill or plant with a defective spark arrester, the evidence owner or owners shall be taken to be a party or parties where fire starts near offending against section 2 of this Act and shall be liable mill. to the penalties thereunder, unless he or they shall prove to the satisfaction of the Court or Judge before whom the trial takes place that such fire was not made, started or lighted as the result of defective stack or by him or them or anyone in his or their company or service or by his or their direction.
- 20. Any person tearing down, defacing or destroying Destruction of any fire-warning poster shall be liable to a penalty of not fire-warning posters; penless than five dollars nor more than twenty-five dollars for alty. each offence.
- 21. It shall be the duty of the Chief Ranger and of Warning all officials under this Act to erect, or cause to be erected. notices. in conspicuous places at the side of every highway as they may deem proper, and at suitable distances alongside the rivers and lakes frequented by camping parties, tourists, hunters and fishermen, notices in large letters, to be furnished by the Department of Agriculture and Mines, substantially in the following form:—

Camp fires must be totally extinguished before breaking camp, under penalty of not more than twelve months imprisonment or four hundred dollars fine, as provided by law.

> (Signed) Minister of Agriculture and Mines.

Such notices shall be furnished to proprietors of timber and pulp areas by the Department of Agriculture and Mines, and shall be posted up at the expense of the said proprietors upon their respective lands.

Reports by Rangers. 22. The woods rangers, or other officials named in this Act shall report to the Chief Ranger to the extent of all woods fires which occur in the district in which they reside, together with the probable amount of property destroyed, specifying the value of timber as near as may be, the amount of cord wood, logs, bark, or other woods products, fences, bridges and buildings that have been burned, the causes of such fires (if they can be ascertained), and the measures employed and found most effective in checking their progress. Forms for the reports required in this Act shall be furnished by the Department of Agriculture and Mines.

Rewards for Information.

23. The Governor in Council may, from time to time, authorize the Chief Ranger to offer rewards for information that will lead to the recovery of any of the penalties imposed by this Act.

Limitation of Prosecutions.

24. Every prosecution for an offence against this Act shall be begun within six calendar months immediately following such contravention.

Recovery of Penalties.

25. All penalties imposed by this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace by any person who shall sue for same.

Short Title.

26. This Act may be cited as "The Forest Fires Act, 1933."

Repeal

27. Chapter 136 of the Consolidated Statutes (Third Series) entitled "Of Forest Fires" is hereby repealed.

CAP. XXXVI.

AN ACT RELATING TO AGRICULTURAL SOCIETIES

(Passed May 23, 1933)

SECTION

- 1.—Application for formation of Agricultural Society.
- 2.—Registration of Society
- 3.—Effect of Registration.

SECTION

- 4.—Duty of Agricultural Societies.
- 4.—Assistance to Societies: reports of Societies.
- 6.—Short Title.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Any ten or more persons desirous of being formed Application into an Agricultural Society may apply in writing to the tion of Agri-Minister of Agriculture and Mines for registration.

cultural Society.

2. On receipt of any such application the Minister Registration may cause the same to be registered in a book to be kept of Society. in the Department of Agriculture and Mines and called the "Register of Agricultural Societies," by the name of "The Agricultural Society of the case may be, and may issue a certificate of registration to the applicants.

3. Upon such registration such Society shall be deemed to become a corporation having the right to hold pro- Registration. perty, to enter into contracts, and to sue and be sued in any Court of competent jurisdiction.

4. The duty of such an aricultural society shall be to Duty of encourage by all proper means the development of agri- Agricultural culture, stock raising and poultry keeping in its locality.

Assistance to Societies: reports of Societies. 5. Every such society shall receive from the Department of Agriculture and Mines all such advice and assistance as the Department is from time to time in a position to give, and shall in consideration thereof make at the end of each calendar year a report to the Minister upon the progress of agriculture, stock raising and poultry keeping in the locality where such society operates.

Short Title.

6. This Act may be cited as "The Agricultural Societies Act, 1933."

CAP. XXXVII.

AN ACT FURTHER TO AMEND CHAPTER 216 OF THE CONSOLIDATED STATUTES (THIRD SER-IES) ENTITLED "OF THE EMPLOYMENT OF MEN ENGAGED IN LOGGING."

(Passed May 23, 1933)

SECTION

- 1.—Amendment regarding notice of termination of employment.
- 2.—Statements of time worked or scale of wood cut.
- 3.—Amendment regarding floors of camps.

SECTION

- 4.—Final scale to be furnished to employee on leaving.
- 5.—Scale of wages for log-driving; suspension of.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Section 3 of Chapter 216 of the Consolidated Statutes (Third Series) entitled "Of the Employment of Men Amendment regarding Engaged in Logging" is hereby amended by striking out notice of tersub-section (b) added thereto by section 1 of the Act 22 mination of employment. George V., Chapter 21.

- 2. Section 6 of the said Chapter is hereby repealed Statements of time worked and the following substituted therefor:

 or scale of wood cut.
 - 6. (1) Not less frequently than every fourth Tuesday the employer or his agent shall give to each logger a written statement of the time or scale of wood cut during the previous four weeks, up to and including the previous Saturday, for which he is entitled to be paid.
 - (2) Not less frequently than every alternate

Tuesday the employer or his agent shall post up in each camp a written notice showing the wood scaled for account of each logger during the previous two weeks up to and including the previous Saturday.

Amendment regarding floors of camps.

3. Section 12 of the said Chapter as re-enacted with amendments by section 7 of the Act 22 George V., Chapter 21, is hereby amended by striking out the words "The floors of camps shall be constructed of sawn lumber not less than one and a half inches in thickness" and substituting the words "The floors of camps shall be constructed of boards or of logs flattened on three sides and the construction of camps shall be such that wind or draught does not come up through the floors."

Final scale to be funished to employee on leaving.

- 4. Section 20 of the said Chapter as added by the Act 22 George V., Chapter 21, is hereby repealed and the following substituted therefor:
 - 20. A logger employed upon the basis of payment for the amount of wood cut shall be entitled upon terminating his employment, provided he has given his employer seven days' notice in writing that he requires the same, to a final scale of wood cut by him and if the same is not ready at the termination of his employment he may remain at the logging camp without pay but with accommodation and food at the expense of the employer until such final scale is delivered to him.

Scale of 5. The operation of section 19 of the said Chapter as wages for log-added by the Act 22 George V., Chapter 21, is hereby suspension of. pended until the first day of May, 1935.

CAP. XXXVIII.

AN ACT TO MODIFY THE CONDITIONS OF THE HOLDING OF CERTAIN LICENSES TO CUT TIM-BER BY ANGLO-NEWFOUNDLAND DEVELOP-MENT CO., LTD.

(Passed July 7, 1933)

SECTION 1-Terms of holding of certain timber licenses by A. N. D. Co. Ltd

WHEREAS the Anglo-Newfoundland Development Company, Limited (hereinafter called "the Company") having established large pulp and paper mills in Newfoundland and being desirous of acquiring certain timber areas hereinafter mentioned for its pulp and paper making industry applied to His Excellency the Governor in Council (hereinafter called "the Government") before purchasing the same, to be permitted to hold the said areas, if purchased, without being liable to the terms and conditions of the licenses comprising the said areas with regard to the erection of mills and operation thereof;

AND WHEREAS the Government acceded to the Company's application, and the Company has since purchased the said areas; and it is desirable to confirm and carry into effect the said arrangement;

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. It is hereby declared that Anglo-Newfoundland Terms of hold-Development Company, Limited, and its assigns shall ing of certain and may hold the following timber areas, viz.: two tim- timber licenber areas at or near Orange Bay in the Island of New- D. Co. Ltd. foundland held under license from the Crown to Bennett

ses by A. N.

B. Stafford, dated the 26th day of June, A.D. 1924, and registered in volume 7, folio 23, of the Registry of Timber Licenses, and a license from the Crown to Mines and Forests (Newfoundland) Limited, dated the 3rd day of July, A.D. 1928, and registered in volume 7, folio 47. in the said Registry, upon the following terms and conditions:

- (a) The provisions of sections 12 and 15 of Chapter 129 of the Consolidated Statutes (Third Series) shall not apply to such licenses; and
- (b) All conditions applying to such licenses imposed pursuant to the provisions of sub-section (1) of section 28 of Chapter 129 of the Consolidated Statutes (Third Series) or otherwise imposed and relating to the operation of timber limits or conduct of timber cutting operations or erection, equipment or operation of saw mills or pulp or paper mills or factories and other manufactories of wood goods or to the taking of timber or manufacture of timber into sawn lumber or other products or to the expenditure of specified sums of money in such erection, equipment, operation or operations or manufacture shall be regarded as properly performed.

CAP. XXXIX.

AN ACT RELATING TO THE SALE OF ARTIFICIAL FERTILIZERS

(Passed July 7, 1933)

SECTION

- 1.—Interpretation.
- 2.—Fertilizers below certain standards not to be sold.
- 3.—Fertilizers containing poisonous constituents prohibited.
- 4.—Standards for certain chemical plant foods.
- 5.—Information regarding importations to be furnished by the Customs.

SECTION

- 6.—Inspection and sampling
- 7.—Certificate of Government Analyst.
- 8.—Publication of Analysis, etc.
- 10.—Penalty.
- 11.—Adulteration; penalty for.
- 12.—Regulations.
- 13.—Saving of civil rights.
- 14.—Short title

WHEREAS chemical and other artificial fertilizers are freely sold to farmers and others;

AND WHEREAS the purchasers of the same have ordinarily no means of ascertaining the useful chemical content of such fertilizer;

AND WHEREAS it is expedient to afford protection to purchasers against the sale to them of inferior grades of fertilizer;

- Be it, therefore, enacted by the Governor, the Legislature Council and House of Assembly, in Legislative Session convened, as follows:
- 1. For the purposes of this Act and any regulations made hereunder, unless the context otherwise requires:—
 - (a) "fertilizer" includes every processed manure

containing nitrogen or phosphoric acid or potash;

- (b) "fineness" as applied to basic slag and natural rock phosphate means the percentage capable of passing through a screen containing 10,000 openings of equal size to the square inch:
- (c) "guaranteed analysis" means the calculation of a fertilizer by the manufacturer, importer or seller, and must be stated in per cent. by weight of nitrogen, phosphoric acid, and potash.
- (d) "inspector" means any inspector appointed by the Minister of Agriculture and Mines to carry out this Act;
- (e) "Minister" means the Minister of Agriculture and Mines;
- (f) "nitrogen" means atomic nitrogen (N);
- (g) "phosphoric acid" means phosphoric anhydride.

 $(P^2 O^5)$

(h) "potash" means potassium oxide (K.O.)

Fertilizers below certain standards not to be sold, zer, or any fertilizer, except basic slag, or natural rock phosphate, unless it contains not less than two per cent. of nitrogen, or five per cent. of available phosphoric acid, or two per cent. of potash soluble in water, and not less than a total of twelve per cent. of nitrogen, available phosphoric acid and potash soluble in water.

3. No person shall sell, offer, expose or hold for sale Fertilizers conin Newfoundland any fertilizer which contains more ous constituthan one-tenth of one per cent. anhydrous borax or any ents prohibitother constituent poisonous to plant life when applied ed. to the soil.

4. (1) No person shall sell, offer, expose or hold for Standards for sale in Newfoundland any of the following certain chemisupstances unless they are in their commerci- cal plant foods. ally pure state, unadulterated and not mixed with any other material and contain of the plant food substances set opposite their names, and possess fineness not less than the percentages stated hereunder, namely:-Nitrate of soda.....15% nitrogen Sulphate of ammonia 20% nitrogen; Superphosphate

(acid phosphate). 16% available phosphoric acid:

Basic slag (Thomas

phosphate)10% total phosphoric acid and 80% fineness;

Natural rock phos phate of stated

origin25% total phosphoric acid and 80% fineness;

Sulphate of potash ...48% potash soluable in water

Muriate of potash48% potash soluble in water

- (2) Section 9 of this Act shall not apply to the foregoing substances.
- 5. Notwithstanding the provisions of section 26 of Information the Customs Act 1933, the Deputy Minister of Customs portations to shall cause to be furnished to the Secretary of Agriculture be furnished a note of every shipment of fertilizer entered inward toms.

through the Customs stating the name of the importer, the quantity imported and the description thereof.

Inspection and sampling.

- 6. (1) An inspector may enter any premises to examine any fertilizer or other material claimed to be of fertilizing value and shall have the right to take official samples therefrom.
 - (2) An official sample shall be so taken as to be fairly representative of the bulk from which it is taken and it shall be taken in the presence of the seller or his representative if they desire to be present, and shall be taken from packages comprising not less than ten per cent. of the separate original packages of each lot sampled; provided that, when the fertilizer is in bulk, the sample shall be taken from ten different sections thereof.
 - (3) The part or parts taken must be thoroughly mixed and divided into three equal samples. Each of the said last mentioned samples of the fertilizer must contain at least one pound, and a form prescribed by regulation shall be made out in triplicate by the inspector and signed, and one copy enclosed with each sample and sealed in the presence of the seller or his representative or, in their absence, of such witness as may be available.
 - (4) One of the samples shall be left with the seller, one sample shall be sent to the Government Analyst and the third sample shall be preserved in the Department of Agriculture and Mines for further analysis if necessary.

Certificate of Government Analyst. 7. A certificate of analysis signed by the Government Analyst identifying the sample by the form enclosed therewith shall be prima facie evidence of the particulars of the analysis therein set out.

8. The Minister may publish the results of analysis Publication of and examinations of fertilizers made in connection with Analysis, etc. the enforcement of this Act, together with any additional information which in the opinion of the Minister is advisable.

- 9. (1) No person shall sell, offer, expose or hold for sale in Newfoundland any fertilizer unless each package containing the fertilizer or a tag or label durably attached thereto is printed or marked on one side in printed characters in such form and manner as may be prescibed by regulation, with the following information only:-
 - (a) The brand name, if any;
 - (b) The guaranteed analysis stating separately in minimum percentages only
 - (i) water soluble nitrogen;
 - (ii) total nitrogen;
 - (iii) available phosphoric acid;
 - (iv) total phosphoric acid;
 - (v) potash soluble in water;
 - (vi) in the case of basic slag or natural rock prosphate or a mixture of both, the fineness thereof;
 - (vii) whenever present in the fertilizer, the percentage by weight of leather, hoof, horn, hair, wool-waste, peat, garbage, tankage or any similar organic material, unless it has been treated in such a way as to make the nitrogen or potash or phosphoric acid therein available as determined by methods of analysis to be prescribed by regulation.

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(2) When the fertilizer is sold in bulk and is not contained in packages, the prescribed information before mentioned in this section shall be stated on the invoice of sale.

Penalty.

10. Any person who violates any of the provisions of this Act, or of any regulation for which no other penalty is prescribed by this Act, shall be liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment of any such fine to imprisonment for a term not exceeding thirty days.

11. Any person who

Adulteration; penalty for.

- (a) wilfully lowers the fertilizer value of a fertilizer by mixing any other substances therewith after the said fertilizer has been placed on the market by the manufacturer or importer or dealer: or
- (b) wilfully obstructs, hinders, resists or in any way opposes any inspector charged with the enforcement of this Act

shall be liable to a fine not exceeding one hundred dollars, or in default of payment to imprisonment not exceeding thirty days.

Regulations.

12. The Governor in Council may upon recommendation of the Minister make regulations for any purpose deemed by him to be necessary for making effective the provisions of this Act.

Saving of civil rights.

13. No proceedings taken under this Act against any person shall in any way interfere with, or lessen the right of an aggrieved person to any legal remedy to which he may be entitled.

14. This Act may be cited as "The Fetilizers Act Short title. 1933.''

CAP. XL.

AN ACT TO AMEND THE ACT 15 GEORGE V., CHAP-TER 28 (THE LIVE STOCK PEDIGREE ACT)

(Passed July 7, 1933)

Cap. 40

SECTION 1.—Amendment of Sec. 3 (3) of 15 Geo. V. Cap

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Sub-section (3) of Section 3 of the Act 15 George Amendment of V., Chapter 28, entitled "An Act respecting the Records Sec. 3 (3) of of Pure Bred Animals, is hereby repealed and the follow- 15 Geo. V. Cap. 28. ing substituted therefor:

(3) The Minister shall draw up rules and regulations not inconsistent with this Act governing the registration of pure bred animals, and fixing fees for such registration, and such rules and regulations when approved by the Goverernor in Council and published in the Newfoundland Gazette shall have the force and effect of law as if embodied in this Act.

CAP. XLI.

AN ACT TO AUTHORIZE THE ISSUE OF A LICENSE TO CUT TIMBER TO NOVA SCOTIA STEEL AND COAL COMPANY, LIMITED

(Passed July 7, 1933)

WHEREAS on May 11, 1903, there was issued to W. E. Wood a license to cut timber over an area of 296 square miles near Gander Bay, said License being registered in vol. 2, fol. 23 of the Registry of Timber Licenses.

AND WHEREAS on October 22, 1904, the said W. E. Wood assigned the said license to the late Hon. John Harvey.

AND WHEREAS in the year 1904 the said late Hon. John Harvey assigned to Nova Scotia Steel and Coal Com-Limited, his rights to a portion of the lands comprised in the said timber license, the exact boundaries of which are not known.

AND WHEREAS from the year 1904 to the present date Nova Scotia Steel and Coal Company, Limited, has annually paid to the Crown rent on an area of 50 square miles, and the same has been accepted, notwithstanding that the Company has no license therefor.

AND WHEREAS in the year 1923 the whole timber license originally granted to W. E. Wood was cancelled for non-payment of rents on the part of a Company to which the remainder of the license had been conveyed by late Hon. John Harvey.

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AND WHEREAS on the 12th of November, 1924, the Governor in Council approved the issue of a license to Nova Scotia Steel and Coal Company, Limited, for 50 square miles, being the area upon which they had paid rents up to that date.

AND WHEREAS it was subsequently discovered that the area so licensed to Nova Scotia Steel and Coal Company, Limited, was essential for the purposes of a timber development scheme then contemplated in the Gander area.

AND WHEREAS therefore it was arranged that the license to Nova Scotia Steel and Coal Company, Limited. should be withheld and that the Companies contemplating the said timber development in the Gander area should transfer to the Nova Scotia Steel and Coal Company, Limited, by way of exchange, 50 square miles held under timber license in some other area.

AND WHEREAS no such exchange of timber lands has vet been carried out.

AND WHEREAS Nova Scotia Steel and Coal Company, Limited, is still without a license for the lands in respect to which it has paid rents.

AND WHEREAS it is just and right that such license should issue, but by the effect of the Crown Lands Act 1930 all Acts under which such license might issue have been repealed.

Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Notwithstanding the repeal of the Crown Lands Act 1903, the Governor in Council may issue to Nova Scotia Steel and Coal Company, Limited, a license to cut timber in the form and upon the conditions in force on the 11th day of May, 1903, and dated the 11th day of May, 1903, covering an area situate inland of Gander Bay in the District of Fogo, described and bounded as follows. that is to say:—By a line commencing at a point the North East angle of Lot No. 240 granted to the Reid Newfoundland Company, running thence West seventy chains, thence North thirty-six degrees West ninety-six chains and fifty links, thence North twenty-four degrees East three hundred and forty-eight chains, thence North four degrees East two hundred and twenty chains, thence South twenty-one degrees East one hundred and eightythree chains and forty-four links, thence South eightytwo degrees East four hundred and nineteen chains and thirty-one links, thence South fourteen degrees and thirty-eight minutes West nine hundred and forty-two chains and twenty-nine links, thence North thirty-six degrees West five hundred and thirteen chains and sixtysix links to the East boundary of Lot No. 240 aforesaid granted to the Reid Newfoundland Company, and thence by the said East boundary North ninety-six chains and thirty links more or less to the point of commencement, comprising 51 square miles more or less.

2. The said license shall have effect in all respects as if it had been issued on the 11th day of May, 1903, under the laws at that time in force.

CAP. XLII.

AN ACT TO AUTHORIZE THE ISSUE TO GANDER VALLEY POWER AND PAPER COMPANY, LIM-ITED, OF A LICENSE TO CUT TIMBER.

(Passed July 7, 1933)

SECTION

1.—Governor in Council may issue timber license to SECTION

Gander P. & P. Co. Ltd. 2.-Effect of License.

WHEREAS under the provisions of Chapter 129 of the Consolidated Statutes (Third Series) His Excellency the Governor in Council on the twelfth day of November, A.D. 1924, approved an application on behalf of Gander Valley Power and Paper Company, Limited, for a license of the right to cut timber over an area situate inland between Gander Bay and Bonavista Bay subject to the payment of a bonus of \$45,808.00 and an annual rental of \$572.60:

AND WHEREAS the said bonus was duly paid and the said annual rental has been duly paid up to the present time, and the said area was duly surveyed, but no license has actually been issued in respect of the said area;

AND WHEREAS the said Chapter was repealed by the Crown Lands Act, 1930, and it is desirable that notwithstanding such repeal the Governor in Council should be empowered to issue the said license under the terms and conditions of the said Chapter;

Be it, therefore, enacted by the Governor, the Legislature Council and House of Assembly, in Legislative Session convened, as follows:

Council may issue timber Gander P. &

Governor-in-

1. Notwithstanding the repeal of Chapter 129 of the license to Consolidated Statutes (Third Series) by the Crown Lands P. Co. Ltd. Act, 1930, the Governor in Council is hereby authorized and empowered to issue to Gander Valley Power and Paper Company, Limited, a license under the provisions of the said Chapter of the right to cut timber over an area of Two Hundred and eighty-six and three-tenths square miles situate inland between Gander Bay and Bonavista Bay, in pursuance of the approval on November twelfth, A.D. 1924, by the Governor in Council of an application for such license.

Effect of License.

2. Notwithstanding such repeal as aforesaid the license issued under the authority by this Act granted shall have effect as if it had been issued forthwith upon the approval of the application, and shall be dated the 12th day of November A.D. 1924.

CAP, XLIII.

AN ACT TO AUTHORZE THE ISSUE TO THE EXECUTORS OF WILLIAM ASHBOURNE, DECEASED, OF A LICENSE TO CUT TIMBER.

(Passed July 7, 1933)

SECTION 1.—Timber license to Executors of Wm. Ashbourne to be issued.

WHEREAS under the provisions of the Crown Lands Act 1903 and amending Acts the Governor in Council on the 31st day of July, A.D. 1909, approved an application of the late Michael L. Parrell, deceased, for a license to cut timber over an area situate near Middle Arm, Green Bay, covering an area of about 7½ square miles;

AND WHEREAS by divers mesne assignments the right to obtain such license passed to the late William Ashbourne in the year A.D. 1914;

AND WHEREAS by reason of discrepancies between the description and the results of actual survey, and of errors in maps, the issue of a license was delayed;

AND WHEREAS such discrepancies have since been eliminated;

AND WHEREAS all rentals in respect of the said area have been paid to and accepted by the Department of Agriculture and Mines up to the present date as if a license had been issued;

AND WHEREAS the said Crown Lands Act 1903 and all amending Acts were repealed by the Crown Lands Act 1930;

AND WHEREAS it appears right that a license be now issued to the Executors of the late William Ashbourne;

AND WHEREAS it is represented by the said Executors that the said William Ashbourne was unable to work or develop the said timber area because he had not received a title thereto;

Be it, therefore, enacted by the Governor, the Legislature Council and House of Assembly, in Legislative Session convened, as follows:

Timber license to Executors of Wm. Ashbourne to be issued.

1. Notwithstanding the repeal of the Crown Lands Act 1903 and amending Acts by the Crown Lands Act 1930, the Governor in Council is hereby empowered to issue to the Executors of the late William Ashbourne a license under the terms and conditions of Chapter 129 of the Consolidated Statutes (Third Series) to cut timber over all that area of timber land situate near Middle Arm. Green Bay, bounded and described as follows, that is to say: by a line commencing at a point bearing South fiftyfour degrees West distant two miles from the mouth of the Brook flowing into Salt Water Pond in Middle Arm aforesaid, from said point running thence North ten degrees West three hundred and fifty-two chains to land of Mines and Forests (Newfoundland) Limited, thence by said land South twenty-two degrees and thirty minutes West five hundred and eighty-four chains, and thence North fifty-four degrees East three hundred and fortythree chains more or less to the point of commencement. RESERVING nevertheless out of the above described land all that area known as the Three Mile Limit situate within the boundaries of the above described land and more particularly shown coloured Green in the diagram to be annexed to the said license.

2. Notwithstanding such repeal as aforesaid, the li- Effect of cense issued under this Act shall have effect as if it had been issued on the 1st day of December, A.D. 1930, under the said Chapter and amending Acts and shall be dated as of that day.

CAP, XLIV.

AN ACT RESPECTING THE ACQUISITION BY THE GOVERNMENT OF CERTAIN LANDS.

(Passed July 7, 1933)

SECTION

- 1.—Agreement may be entered into in terms of Schedule.
- 2.—Certain lands to become Crown lands.

SECTION

3.—Delivery of pro forma receipts.
Schedule.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Agreement may be entered into in terms of Schedule.

1. The Governor in Council is hereby authorized to enter into an Agreement with Reid Newfoundland Company, Limited; Mines and Forests (Newfoundland) Limited; Gander Valley Power and Paper Company, Limited; and the Royal Trust Company in the terms of the Schedule annexed to this Act.

Certain lands to become Crown lands. 2. From and after the execution of the Agreement in the preceding Section referred to the lands in the said Schedule referred to shall subject as in the said Agreement they are expressed to be conveyed become and be Crown lands in the possession of the Crown.

Delivery of pro forma receipts.

3. Upon the execution of the said Agreement the Minister of Agriculture and Mines shall deliver to the Vendors named in the said Agreement pro forma official receipts for the rents payable in respect of the Crown timber licenses and water power listed in Schedule A. to the said Agreement covering the period of five years commencing November 30, A.D. 1932 and ending November 29, A.D.

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1937, and notwithstanding that the said receipts are issued in consideration of the transfer of lands as in the said Agreement provided they shall have effect as if the said rents had been paid in cash.

SCHEDULE

THIS AGREEMENT made at St. John's in the Island Schedule. of Newfoundland this day of Anno Domini One thousand nine hundred and thirty-three BETWEEN Reid Newfoundland Company, Limited, Mines and Forests (Newfoundland) Limited and Gander Valley Power and Paper Company, Limited, all of which companies are registered under the Companies' Laws of the Dominion of Newfoundland and have their respective Registered Offices at Reid Building, Duckworth Street, St. John's, aforesaid and The Royal Trust Company of Montreal and St. John's aforesaid (hereinafter called "the vendors") of the one part AND His Excellency the Governor of Newfoundland in Council (hereinafter called "the vendee") of the other part: WHEREAS the vendors are severally interested in certain licenses to cut timber and a lease of water powers from the Crown more particularly described in the Schedule hereto annexed and marked "A"; AND WHEREAS all rentals due to the Crown with respect to the said timber licenses have been paid up to November thirtieth last past; AND WHEREAS the vendors allege that they are entitled to a refund of payment by the Crown of so much of the said rentals so paid as covers a period during which the titles of the vendors were the subject of proceedings instituted in the Supreme Court for forfeiture of the said timber licenses, but the Government does not admit such claim; AND WHEREAS the vendors are the owners in fee simple of certain lands known as "Reid Block 170" more particularly described in the Schedule hereto annexed and marked "B" subject to the terms of an agreement bearing date the eighteenth

day of February A.D. One thousand nine hundred and twenty-four and made between Reid Newfoundland Company, Limited, and others of the one part and Newfoundland Light and Power Company, Limited, of the other part which said agreement is registered in Volume 86, Fol. 1 of the Registry of Deeds of Newfoundland; AND WHEREAS the above recited licenses to cut timber and lease of water powers are subject to the payment of certain annual rentals to the Crown yearly in advance from November thirtieth in each year; AND WHEREAS the Crown is desirous of re-acquiring the interest of the vendors in the said lands described in Schedule "B" hereof: AND WHEREAS the said vendors are desirous of making provision for the payment of and paying said rentals in advance for a period of years; AND WHEREAS it has been agreed upon between the Crown and the vendors that in consideration of the transfer to the Crown by the vendors of all their respective right, title and interest in and to the said land described in Schedule "B" hereof and upon the execution by the vendors of a release and discharge to the Crown of all claims for a refund or payment back of any rentals already paid to the Crown with respect to the said timber licenses (said release not to affeet or prejudice any rights or claim of either party in any litigation between the vendors and the Crown or the Government of Newfoundland or any department thereof arising out of said hereinbefore recited proceedings for forfeiture) the Crown will consider as paid by the vendors the sum of Twenty-nine Thousand Four Hundred and Forty-eight Dollars (\$29,448) being the annual rentals due to the Crown with respect to said timber licenses and water power lease described in Schedule "A" hereto annexed for a period of Five (5) years in advance for the years beginning November thirtieth, One thousand nine hundred and thirty-two, One thousad nine hundred and thirty-three, One thousand nine hundred and thirty-four, One thousand nine hundred and thirty-five and One thousand nine hundred and thirty-six and pro forma official

receipts for said rentals for said period of Five (5) years shall issue to the vendors and shall be conclusive evidence of the payment thereof by or on behalf of the vendors and of the receipt thereof by the Crown; NOW THEREFORE THESE PRESENTS WITNESS that for and in consideration of the foregoing and of the delivery to the vendors of the said pro forma official receipts for the said rentals for the said period of Five (5) years the vendors jointly and severally HAVE bargained, sold, assigned and conveyed and by these presents DO bargain, sell assign and convey unto the said vendee all the right, title and interest of the vendors in and to the lands comprised in the said Reid Lot 170 and described in the Schedule "B" hereto annexed subject to the term of the hereinbefore recited deed bearing date the eighteenth day of February in the year of Our Lord One thousand nine hundred and twentyfour and made between the Reid Newfoundland Company, Limited, and others of the one part and Newfoundland Light and Power Company, Limited, of the other part TO HAVE AND TO HOLD the same unto the said vendee absolutely AND the said vendors hereby jointly and severally release and discharge the Crown from and of all claim or demand whatsoever by way of refund or repayment of moneys already paid to the Crown by the said vendors or any of them for or on account of rentals from time to time due to the Crown with respect to the said timber licenses or any of them, said discharge however not to affect or prejudice in any way any rights or claim of either party in any litigation between the vendors and the Crown or the Government of Newfoundland or any department thereof arising out of or by reason of the said herebefore recited proceedings for forfeitue.

SCHEDULE A

Timber Licenses and Water-power Lease Within Referred to

Lie. No.	Previous License	Runs from	Licensed
		ı'	Miles
228	Hender & Foote	19 June 1919	40
99	R. B. Job	27 May 1907	170
119	W. R. Howley	18 April 191	
172	McDougall & Syme	15 Sept. 1913	3 21
273	Nfld. Timber Estates	22 Sept. 192	1 447.5
269	(From Crown)	23 June 1926	4
270	(From Crown)	23 June 1926	7
271	(From Crown)	23 June 1926	16
101	Gander River L. & P. Co.	23 Dec. 1910	450
171	Gander River L. & P. Co.	15 Sept. 1913	3 14
185	W. H. Hoffman	10 Nov. 1913	155
179	Begent & Carr	4 Oct. 1913	80
147	Gambo Lumber Co.	10 Dec. 1912	40
148	Gambo Lumber Co.	10 Dec. 1912	70
226	Macaulay & Riordan	24 Mar. 1919	75
37	J. M. Curran	10 Feb. 1909	100
173	Fortin & Beauchemin	18 Sept. 1913	451
175	Fortin & Beauchemin	18 Sept. 1913	30
138	E. W. Roberts	18 Oct. 1912	129
263	S. J. Foote	16 May 1925	40
137	S. J. Foote	17 April 1911	1 30
213	G. Langmead	26 July 1915	9
Not yet	issued (From Crown)	10 Aug. 1926	10
237	Wm. Taffe	14 Oct. 1919	
Not yet i	ssued ('W. E. Wood block')	13 Nov. 1924	286.3

2,819.8

@ \$2.00 \$5,639.60 G.R.L, & P. Co. Water-power 4 Oct. 1919 4

SCHEDULE B.

Description of Reid Lot No. 170 as Contained in Grant No. 107R Dated Seventh May, 1904, from the Crown to The Reid Newfoundland Company

The following are the Description and Plan of the land and premises referred to in the foregoing Grant:all that piece and parcel of land situate and being South

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IN WITNESS WHEREOF the said vendors have

hereunto their respective Common Seals duly affixed the day and year first above written.

The Common Seal of Reid Newfoundland Co., Ltd., was affixed hereto in the presence of:

The Common Seal of Mines and Forests (Newfoundland) Ltd., was affixed hereto in the presence of:

The Common Seal of Gander Valley Power and Paper Co., Ltd., was affixed hereto in the presence

The Common Seal of The Royal Trust Co. was affixed hereto in the presence of:

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CAP. XLV.

AN ACT TO RENDER CERTAIN ABANDONED LANDS AVAILABLE FOR AGRICULTURE

(Passed July 7, 1933)

SECTION

- 1.—Lands unoccupied for 40 years revert to Crown.
- 2.—Application to Court. 3.—Particulars in support
- of application. 4.—Directions of Judge.
- 5.—Proceedings if no apappearance
- 6.—Proceedings if claimant appears.
- 7.—Further direction of Court or Judge.
- 8.—Security for costs.
- 9.—Withdrawal of applica-
- 10.—Application of rules of court.
- 11.-Minors and persons not in esse.

SECTION

- 12.—Order as to part of land. 13.—Judgment or order ob-
- tained by fraud, etc.,
- 14.-Re-investigation in certain cases.
- 15.—Appeal.
- 16.—Register of judgments and orders.
- 17.—Persons under disability.
- 18 .- No objection on ground that actions should be brought.
- 19.—Proceedings not to abate 20.—Proceedings not void for informality, etc.
- 21.-Practice and Procedure.
- 22.—Saving of General Law.
- 23.—Short Title.

WHEREAS there are in the Dominion many areas of land granted, leased or licensed by the Crown, the owners of which, in the case of grants, and the lessees or licensees of which, in the cases of leases or licenses, have died without issue or left the Dominion or cannot now be found, and such lands have remained for many years unused and apparently abandoned;

AND WHEREAS it is expedient that steps be taken to make such lands available for use in agriculture and to provide a simple and expeditious procedure for so doing.

Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session, convened, as follows:

Lands unoccupied for 40 years revert to Crown.

1. Whenever any land granted in fee simple or leased or licensed to any person under the Crown Lands Acts now in force or any former Acts relating to Crown lands or to agriculture, has been for forty years and as to all parts thereof unused and unoccupied by the original grantee, lessee, or licensee, or by any person lawfully claiming under him, and no person lawfully entitled to such land or any interest therein whether claiming under the original grantee, lessee or licensee or otherwise. can be found in Newfoundland, it shall be lawful for the Supreme Court on the application of the Attorney General by an order in a uncontested case or by a judgment in a contested case to declare that such land shall revert to the Crown.

Application to Court.

2. Every application shall be made by petition.

Particulars in support of application.

3. The application shall be supported by the following particulars, which shall be filed and furnished before the application is heard:—

- (a) A copy of the grant, lease or license of the land and all available information in the possession of the Crown in relation thereto;
- (b) An abstract of title or certificate of search certified by the Registrar of Deeds showing the transmission if any, of the property since the date of grant;
- (c) A statement of any wills of the original grantee, lessee, or licensee, or of the latest discoverable person to whom the land has passed, as the case may be, filed in the Registry of the

Supreme Court, which may effect the title to the property, together with copy of the same.

- (d) A statement that the Registry of Vital Statistics has been searched for records as to the issue, if any, of the original grantee, lessee, or licensee, with the result of such search;
- (e) A precise description of the land certified by a licensed surveyor;
- (f) A statement from a person who has viewed the land stating its present condition and any evidence of past cultivation or improvement and showing that enquiry has been made from neighbouring proprietors and from old persons in the neighbourhood who have memory as to when, if at all, the land was last occupied or used, together with copies of any statements taken from them;
- (g) A statement of all other facts known to the Crown in relation to the land, whether indicating that the land has long been abandoned and unused, or otherwise;
- (h) A statement as to whether any person is in possession of the land or any part of it and by what right or title he claims to hold;
- (i) A declaration by the Attorney General that so far as he can discover, no owner is known or can be found.
- 4. After the presentation of the petition and the Directions of filing of all particulars hereinbefore referred to applica- Judge. tion shall be made to a Judge in Chambers, who shall examine the papers and give directions:

- (1) As to any further information which in his opinion ought to be sought and adduced;
- (2) As to any measures which in his opinion ought to be taken whether by advertisement or otherwise to discover lawful claimants to the land, including times, places and methods of advertisement;
- (3) As to the time, not exceeding one year, during which further proceedings shall be stayed pending such further investigation;
- (4) As to any person upon whom in the opinion of the Judge a copy of the particulars and petition should be served.

Proceedings if no appearance.

5. Upon the expiration of the time fixed by the Judge the Attorney General shall file an affidavit showing what has been done in pursuance of the Judge's directions and the results thereof, if any, and may apply for an order that the land do revert to the Crown, and if no person shall have appeared to claim the land the Judge may make an order that the said land do revert to the Crown, which order shall be registered in the Registry of Deeds and recorded in the books of record in the Department of Agriculture and Mines in which the original grant, lease, or license shall be recorded and shall have effect accordingly. The Judge may in his discretion move the application into Court and thereupon the Court shall have the power to make an order.

Proceedings if claimant appears.

6. It shall be a part of any notice, advertisement or other method prescribed by the Judge for seeking for claimants, that any person claiming to be entitled to the lands may within the time stated in such notice or advertisement file an appearance and defence, and if any such appearance and defence be filed, the issue shall be moved into Court and upon proof that the party defend-

ing is lawfully entitled to the land the petition may be dismissed with such order as to costs against the Crown or against the defendant or against both as the Court may see fit.

- 7. The Court or Judge may at any stage of the pro- Further directeedings give directions as to further proofs to be adtion of Court duced either by the Crown or by the defendant and may, whether the defendant shall appear or not, direct that witnesses be brought before Court and examined upon oath.
- 8. The Judge may at any stage of the proceedings security for order security for costs to be given by any defendant.
- 9. The Attorney General may by leave of the Judge Withdrawal of withdraw his application at any time before final adjudiapplication. cation, subject to any condition as to the payment of costs which the Judge may deem fit.
- 10. All rules of the Court applicable to the proceed- Application of ings shall apply, including a power in the Judge or Court rules of court. to refer any matter to any officer of the Court for investigation.
 - 11. (1) When it appears that a minor or person not in Minors and esse may be interested in opposing a claim of persons not the petitioners, the Judge may appoint a guardian ad litem to represent such minor or person not in esse; and such minor or person not in esse shall be bound by the adjudication.
 - (2) The Judge may order that the costs of the guardian ad litem be paid by the Crown.
- 12. The Court or Judge may make an order dealing Order as to with all lands referred to in the petition or separate part of land. orders dealing with parts of them.

Judgment or order obtained by fraud, etc., ing either as principal or agent knowingly, and with invoid.

13. If in the course of any proceeding any person active fraud, etc., ing either as principal or agent knowingly, and with intent to deceive, makes or asserts or joins in or is privy to the making of any material false statement or representation, or suppresses, withholds, or conceals, or assists or joins in or is privy to the suppression, withholding or concealing from the Court of any material document, fact or matter of information, any judgment or order obtained by means of such fraud or falsehood, shall be null and void except as against a purchaser for valuable consideration without notice.

Re-investigation in certain cases.

- 14. (1) After a judgment is given or an order made any person claiming to be aggrieved thereby may, on petition, and after satisfactory accounting for his delay, by leave of the Court or Judge, have his title or claim re-investigated on such terms as to costs and otherwise as may be deemed just.
 - (2) A certificate of the presentation of the petition shall be registered in the Registry of Deeds.
 - (3) No proceeding on such petition shall affect the title of any person, who, after the date of the certificate or conveyance under this Act and before the registration of the certificate of the presentation of the petition has without notice acquired by grant, lease or license from the Crown for valuable consideration, any estate or interest in the land described in the order.
 - (4) The Court or Judge may make such order on the petition as he may deem just, having regard to the provisions of the next preceding sub-section.

Appeal. 15. An appeal shall lie from an order or decision of a Judge under this Act to the Supreme Court in the same

manner and subject to the same restrictions as in the case of an appeal from a judgment or order of a Judge in an action.

16. A separate book shall be kept in the Registry of Register of Deeds, for the registration of orders and judgments un-don this Act and the land orders. der this Act, and the orders and judgments registered therein shall be numbered in order, and an index to the book shall be kept in such form as the Court may irect.

17. Where any person who, if not under disability, Persons under might have made any application, giving any consent, or done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian of the infant, or Committee of the Estate of the idiot or lunatic. may make such application, give such consent, do such act, and be party to such proceeding as such person might if free from disability, and shall otherwise represent such person for the purposes of this Act; and if the infant has no guardian or the idiot or lunatic no Committee of his Estate, the Court or Judge may appoint a person with like power to act for the infant, idiot or lunatic.

18. No objection to a petition shall be allowed upon No objection the ground that the petitioner should first have brought on ground an action and if it appears upon the determination of the that actions should be investigation that the Crown is entitled to the possession brought. of the land, the Attorney General may obtain an order against any other party to the proceeding for the delivery of possession thereof.

19. Proceedings shall not abate or be suspended by Proceedings any death or transmission or change of interest, but in not to abate. any such event, the Court or a Judge may require notices to be given to persons becoming interested, or may make any order for discontinuing or suspending, or carrying on the proceedings or otherwise in relation thereto as may seem just.

Proceedings not void for informality, etc.

20. No petition, order, affidavit, certificate, registration or other proceeding shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceeding.

Practice and Procedure.

21. Subject to the Rules of Court, unless where otherwise provided, the practice and procedure under the Judicature Act and Rules made thereunder shall apply to proceedings under this Act.

Saving of General Law.

22. Nothing in this Act shall prevent the application of the general law relating to the escheat of lands to the Crown, or the use of any other form of proceedings available by law for obtaining the cancellation or forfeiture of Crown grants, leases or licenses.

Short title.

23. This Act may be cited as "The Abandoned Lands Act, 1933."

CAP. XLVI.

AN ACT TO PERMIT THE EXPORT OF PITPROPS BY OR FOR THE NEWFOUNDLAND RAILWAY DURING THE PRESENT AND COMING FISCAL YEARS

(Passed May 1, 1933)

SECTION 1 .- Export of pitp rops by or for Newfoundland Railway to be la wful.

WHEREAS in view of present disturbed financial conditions it has been found desirable that the Newfoundland Railway should obtain coal from dealers in Great Britain by barter, giving pitprops therefor instead of money;

AND WHEREAS arrangements have been made accordingly, and it is expedient to legalize the same;

Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session, convened, as follows:

1. Notwithstanding anything in any Statute to the Export of pitcontrary it shall be lawful for pitprops to be exported props by or at any time up to the 30th day of June, 1934, either by way to be the Newfoundland Railway or by any company, firm or lawful. person to whom the Newfoundland Railway shall in pursuance of any arrangements for the barter of pitprops against coal or other supplies, have sold or agreed to sell such pitprops.

CAP. XLVII.

AN ACT RELATING TO THE DEPARTMENT OF LABOUR

(Passed May 1, 1933)

SECTION

- 1.—Department of Labour.
- 2.—Secretary and Officers of Department.
- 3.—Functions of Department.

SECTION

- 4.—Annual Report of Departpartment.
- 5.—Application of Sec. 2 Cap. 4. C.S. 1916.
- 6.-Short Title.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Department of Labour.

1. There shall be a Department of the Civil Service of the Dominion which shall be called "The Department of Labour," over which the Minister of Labour for the time being appointed by the Governor in Council by Commission under the Great Seal of the Dominion shall preside, and he shall hold office during pleasure and shall have the management of the Department of Labour.

Secretary and partment.

2. The Governor in Council may appoint a Secretary Officers of De- to the Department and such departmental officers, clerks and servants as are requisite for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

Functions of Department.

- 3. The functions of the Department shall be as follows:
 - (1) To collect information and keep statistics regarding the labour situation throughout the Dominion.

- (2) To investigate industrial disputes and to endeavour to compose differences between employers and persons employed.
- (3) To seek remedies for unemployment and to collect information and statistics relating thereto.
- (4) To deal with such other questions relating to the labouring population as may from time to time be directed by the Governor in Council.
- 4. The Minister shall make and submit to the Gov-Annual Report ernor an annual report of the proceedings of his Depart- of Department and upon the general industrial and labour situation throughout the Dominion, to be laid before both Houses of the Legislature within fifteen days from the commencement of each annual session.
- 5. The provisions of Section 2, Sub Section (1) of Application of Chapter 4 of the Consolidated Statutes (3rd Series) shall Sec. 2 Cap. 4, be deemed to include the person holding the Office of C.S. 1916. Minister of Labour.
- 6. This Act may be cited as "The Department of Short title. Labour Act, 1933."

CAP, XLVIII.

AN ACT RELATING TO THE DEPARTMENT OF MARINE AND FISHERIES

(Passed July 7, 1933)

HECTION

1 .-- Minister and Department of Marine and Fisheries.

2.—Deputy Minister 3.—Deputy Minister to re-place Minister during absence, etc.

4.—Appointment of staff.

- 5.—Transfer of staff from one branch to another. 6.—Transfer of duties to and from Department.
- 7 .- Annual Report of De-
- partment.

8.—Interpretation of terms formerly used.

SECTION

- 9.—Subjects dealt with in Department.
- 10.—Sea Fisheries Board.
- 12.—Fishery Regulations. 13.—Canning Regulations.
- 14.—Penalties.
- 15.—Procedure for Penalties.

- 16.—Fish Propagation.
 17.—Shell Fish Propagation. 18.—Expropriation of proper-
- ty.
- 19.—Execution of Documents.

20.—Short Title. 21.—Repeal.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Minister and Fisheries.

1. There shall be a Department of the Civil Service Pepartment of of the Dominion which shall be called the Department of Marine and Fisheries, over which the Minister of Marine and Fisheries for the time being appointed by the Governor-in-Council by Commission under the Great Seal of the Dominion shall preside; and he shall hold office during pleasure and shall have the management of the Department of Marine and Fisheries, the execution of the laws relating to the subjects hereinafter enumerated and the direction of the public bodies, officers and servants employed in execution of such laws.

Deputy Minis. ter.

2. The Governor-in-Council shall appoint an officer who shall be called the Deputy Minister of Marine and Fisheries who shall under the said Minister have charge of the said Department.

- 3. Whenever the Minister of Marine and Fisheries Deputy Minisshall be absent from Newfoundland or incapacitated by ter to replace Minister durillness or if the office of Minister shall be vacant the ing absence, Deputy Minister shall by virtue of his office be entrusted etc. with the powers and charged with the duties which belong to the Minister.
- 4. The Governor-in-Council may appoint such de-Appointment partmental officers, agents, clerks and servants as are of Staff. requisite for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.
- 5. Persons employed in any one branch of the Depart-Transfer of ment may be directed by the Minister to perform any duty Staff from one branch to in or with respect to any other branch. another
- 6. The Governor-in-Council may assign any new or other duty or power to the Minister of Marine and Fish-Transfer of Duties to and eries, and may also assign any of the duties or powers from Departherein enumerated to the Minister of any other Depart-ment. ment.
- 7. The Minister of Marine and Fisheries shall make Annual Report and submit to the Governor an annual report of the proceedings of his Department, to be laid before both Houses of the Legislature within fifteen days from the commencement of each annual session, showing the state of the Department and the amount received and expended in respect thereof, with such further information as may be requisite.
- 8. Wherever in any statute. proclamation, regula-Interpretation tion, Order in Council. grant, lease, license, commission, of terms fordeed, conveyance, certificate, contract, or other document merly used. of the like or any other kind heretofore passed or made and relating to any subject matter hereinafter enumerated, or any other matter which prior to the Act 22, Geo. V. (2nd Series) Chapter 15, was dealt with by the Department of Marine and Fisheries, there appear the terms

"Minister of Lands and Fisheries" and "Department of Lands and Fisheries" the same shall be read as if the words above mentioned were deleted and the words "Minister of Marine and Fisheries" or "Department of Marine and Fisheries" substituted therefor.

9. The following subjects shall be dealt with in the Subjects dealt with in Department of Marine and Fisheries:

- (1) Pilots and pilotage and decayed pilot funds.
- (2) Beacons, lights, lighthouses and their maintenance.
- (3) Signals and signal stations.
- (4) Steamers and vessels belonging to the Government of the Dominion, exclusive of those operated by the Newfoundland Railway.
- (5) Harbours, ports and harbour masters.
- (6) Classification of vessels.
- (7) Piers, wharves and breakwaters.
- (8) Examination and granting certificates of masters, mates, engineers and others in the merchant service.
- (9) Shipping masters and shipping officers and all matters relating to seamen.
- (10) Ship-building and the inspection of steamers and vessels.
- (11) Inspection of steam boilers.
- (12) Wreck commissioners and enquiries into causes of shipwrecks.

- (13) The administration of all laws relating to sea and coast fisheries, including fisheries for whales, seals, shell fish and crustaceans.
- (14) The canning, packing or preserving of fish, shell fish, hares, rabbits, salt-water birds, seal meat, vegetables and wild fruits.
- (15) Fishery research.
- (16) Generally matters referring to the marine resources, marine works and navigation of the Dominion and its Dependencies.

SEA FISHERIES BOARD

- 10. The Governor-in-Council may appoint a Board, to be called "The Sea Fisheries Board," of which the Minster of Marine and Fisheries shall be Chairman. The said Board shall consist of fifteen members of whom the Minister, or in his absence the Deputy Minister, and five members shall constitute a quorum. The said Board shall hold office during pleasure and shall serve without remuneration.
- 11. The powers, duties and functions of the said Board shall be to investigate all matters pertaining to the preservation. maintenance, improvement and development of the fisheries, and the trade, commerce and interests of the Dominion, so far as the same are connected with or relate to the fisheries; and to devise, organize and maintain such methods of collecting, preserving and diffusing such knowledge and information as they may consider best adapted to the attainment of such objects.

Provided that in this section the word "fisheries" shall not include inland fisheries.

FISHERY REGULATIONS

12. (1) The Governor-in-Council on the recommenda-Fishery Regution of the Sea Fisheries Board may from lations. time to time make regulations for the better management, regulation and conservation of the sea and coast fisheries and the industries connected therewith, and in particular, without prejudice to the generality of the foregoing, regulations for the following:

- (a) To regulate, restrict, control or prevent fishing, or the packing of fish either generally or except under licenses, including the refusal of licenses to offenders against the law or regulations.
- (b) To prevent the wanton or unnecessary destruction of fish.
- (c) To allocate or distribute berths or places for the setting of cod traps, salmon nets or other fishing gear and to appoint the distances apart at which gear of various kinds may be set.
- (d) To regulate the use of mufflers on marine motor engines.
- (e) To standardize measures or quantities to be used in the purchase or sale of herring.
- (f) To regulate the size of the mesh of nets.
- (g) To regulate the class, nature. construction and material of packages and containers of all kinds to be used for fish.
- (h) To regulate the weights and the manner of packing, branding, marking, stencilling and labelling of packages containing fish. Provided that in respect of salt codfish

the powers set forth in paragraphs (g) and (h) of this sub-section shall be exercised only subject to the exercise of the powers of the Board constituted under "The Salt Codfish Act, 1933."

- (2) All or any of such Rules may be made to apply to the whole Dominion or to any part or parts of the Dominion and subject to any such restrictions or conditions as the Governor-in-Council may think fit.
- (3) The Governor-in-Council may provide labels of any kind and direct when, how and to what the same shall be affixed, and what price, if any, shall be charged for the said labels.
- (4) All Regulations made hereunder shall have the force and effect of law and may fix such modes, times and places as are deemed by the Governor-in-Council adapted to the different localities and otherwise expedient.
- (5) All regulations shall be published in the Newfoundland Gazette and after publication thereof shall take effect from the date therein fixed or if no date be fixed then from the date of such publication.
- (6) All regulations heretofore made, if within the powers set forth in this section, shall be deemed to be and to have been since their making in full force and effect notwithstanding that they may have been ultra vires of the statutes in force before the passing of this Act.
- (7) Any offence against any regulations made or in force under this Section may be stated as a violation of this Act.

(8) The words "fish," "fishing" and "fisheries" in this Act shall be held to have reference to whales, seals, crustaceans and shell-fish as well as to all kinds of fish strictly so called.

CANNING REGULATIONS

Canning Regulations.

- 13. (1) The Governor-in-Council on the recommendation of the Minister of Marine and Fisheries (made after conference, in so far as the proposed regulations relate to matters coming under the head of public health, or pure foods, with the body for the time being having the supervision of matters relating to public health), may from time to time make regulations for the better management and control of the business of canning and exporting fish, lobsters and other crustaceans, hares, rabbits, salt water birds, shell fish, seal meat, vegetables and wild fruit, and in particular, without prejudice to the generality of the foregoing regulations for the following:
 - (a) To regulate, restrict, control or prevent the canning of fish, lobsters and other crustaceans, hares, rabbīts, salt water birds, shell fish, seal meat, vegetables and wild fruits generally or except under license including power to refuse licenses to offenders against the law or regulations.
 - (b) To regulate the class, nature, construction and material of packages and containers of all kinds to be used in canning or preserving fish, lobsters and other crustaceans, hares, rabbits, salt-water birds, shell fish, seal meat, vegetables and wild fruits.
 - (c) To regulate the weights and the manner of packing, branding, marking, stencilling and labelling of cans or packages.

- (d) Providing for the confiscating and destruction or other disposition of goods improperly canned or otherwise dealt with contrary to any regulation made under this Act.
- (2 All or any of such rules may be made to apply to the whole Dominion or to any part or parts of the Dominion and subject to any such restrictions or conditions as the Governor-in-Council may think fit, and shall be administered by the Minister of Marine and Fisheries.
 - (3) The Governor-in-Council may provide labels of any kind and direct when, how and to what the same shall be affixed, and what price, if any, shall be charged for the said labels.
 - (4) All regulations made hereunder shall have the force and effect of law and may fix such modes, times and places as are deemed by the Governor-in-Council adapted to the different localities and otherwise expedient.
 - (5) All regulations shall be published in the Newfoundland Gazette and after publication thereof shall take effect from the date therein fixed or if no date fixed then from the date of such publication.
 - (6) Any offence against any regulations made under this Act may be stated as a violation of this Act.
 - (7) Any canned goods confiscated to His Majesty by virtue of regulations made under this Act, shall be destroyed or may be sold or otherwise disposed of as provided in the regulations, or in

default thereof, as the Minister of Marine and Fisheries may deem fit, and the proceeds, if any, shall be paid to the Minister of Finance and Customs for the use of the Dominion.

PENALTIES

Penalties.

14. Except where otherwise specifically provided, every one who violates any provision of this Act, or of regulations made under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding two months.

Procedure for Penalties.

- 15. (1) Every penalty or forfeiture imposed by this Act, or by regulations made under it, may be recovered or enforced on complaint before any Stipendiary Magistrate or Justice of the Peace in a summary manner.
 - (2) Penalties incurred under this Act or under regulations made under it shall not be sued for after more than two years from the commission of the offence.
 - (3) Any Justice of the Peace may grant a warrant of distress for any penalty and costs imposed under this Act or any regulations made under it, provided that whenever it appears to the satisfaction of the Justice that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties imposed would be oppressive, a discretionary power may be exercised.
 - (4) One-half of every penalty levied by virtue of this Act shall belong to His Majesty, and shall be paid to the Minister of Finance and Customs for the use of the Dominion, and the

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- other half shall be paid to the prosecutor; provided that if the prosecutor is a fishery officer or constable, the whole shall belong to His Majesty.
- (5) No proceedings or conviction under this Act or any regulation made under it shall be set aside or quashed for irregularity or defect in form, and no warrant or arrest or committment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same.
- (6) All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Act or of any regulation made under it shall be declared by the Magistrate or Justice to be confiscated to His Majesty, and may be seized on view by any officer of the Department, or taken and removed by any person for delivery to any Justice of the Peace; and the proceeds, if any, arising from the disposal thereof shall be paid to the Minister of Finance and Customs for the use of the Dominion.

FISH PROPAGATION

16. (1) The Governor-in-Council, upon the recom- Fish Propagamendation of the Minister of Marine and Fish-tion. eries, may authorize to be set apart any river or other water to be leased or used for the natural or artificial propagation of fish; and every person who wilfly destroys or injures any place set apart or used for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license

or uses therein any gear or implement for fishing, during the period for which such waters are so set apart, shall be liable to a penalty not exceeding two hundred dollars, and in default of payment, to imprisonment for a term not exceeding two months.

- (2) Nothing in this Act shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes.
- (3) Lessees or licensees of fisheries shall have no claim to renewal of lease or license if in arrears of rent or percentage during four months after the same is due, and any lessee or licensee convicted of a violation of this Act or any regulations under it, shall be liable to forfeit his lease or license.

Shell Fish Propagation. 17. (1) It shall be lawful for the Governor-in-Council on the recommendation of the Minister of Marine and Fisheries, at any time by public notice to set apart and reserve with definite boundaries and limitations, for the purpose of the propagation of crustaceans or shell-fish, any portion of the waters of this Dominion: within which it shall be unlawful for any person to fish for lobsters or other shell-fish which may be named under a penalty for each offence not exceeding one hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace by any person who shall sue for the same, or in default imprisonment not exceeding one month; provided that no such reservation shall in any case extend more than half a mile on each side of the centre of such reservation.

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(2) The notice provided for in this section may be either printed or written and shall be posted in a sufficiently public and conspicuous place in the neighbourhood of the waters which are reserved thereby, and the law or regulation herein shall take effect in five days from the posting of such notice.

EXPROPRIATION OF PROPERTY

Expropriation

- 18. Whenever it shall be deemed necessary to expro- of property. priate any land or property for the use of the Crown or the public in connection with any public marine work or in connection with the fisheries, the Crown may acquire the same in manner following:
 - (1) The Minister of Marine and Fisheries by person duly authorized for that purpose shall accurately ascertain and delimit the land or property to be expropriated and for such purpose the agent of the Minister shall have the right to enter on any property to ascertain and measure and obtain the description of the same.
 - (2) The Minister shall then notify the owner that the said land or property, describing and delimiting the same, is required and taken for public purposes, and seven days after the delivery of the said notice to the owner, or if the owner cannot be found or cannot without delay be ascertained then seven days after the posting of the said notice of expropriation in a conspicuous place upon the land or property, the said land or property shall vest in His Majesty and work thereupon may be commenced by the Crown forthwith.
 - (3) The Crown through the Minister of Marine and Fisheries shall make compensation to the owner of any land or property expropriated

under this section or used or injuriously affected by any expropriation for all damages necessarily resulting from the exercise of the powers given under this section which may be in excess of any advantage which the owner may derive directly or indirectly from the contemplated work.

- (4) If the Minister and the owner cannot agree upon the amount of compensation, such amount shall be ascertained by the Minister of Marine and Fisheries or the Deputy Minister, an assessor appointed by him, and an assessor appointed by the owner of the property.
- (5) If the owner shall refuse or neglect to nominate an assessor within thirty days after being required in writing to do so, the Minister may nominate an assessor on behalf of the owner, and the assessors shall then proceed to assessment, and the award of a majority shall be the award of the Board of Assessors.
- (6) Award shall be in writing and shall be made within sixty days of the completion of the Board of Assessors, and immediately upon being made shall be delivered to the Department of Marine and Fisheries, and the amount of compensation found due shall be paid within six months of award; provided that if it be not paid within thirty days it shall thereafter bear interest at the rate of six per centum per annum until payment.
- (7) The fees of the assessors shall be paid by the Crown.
- (8) A book or register containing the particulars of all expenditures hereunder together with

- the notices and awards shall be kept in the Department of Marine and Fisheries for purposes of record.
- (9) In any case where the value of the land or property to be expropriated shall exceed five hundred dollars the assessors may allow costs and expenses to the person whose property is taken, and they may fix their own fees in all cases; provided that both the costs and their fees shall be taxed by the Registrar or Deputy Registrar of the Supreme Court before being paid, the taxing officer having regard to the amount of compensation awarded; or in cases where the amount of compensation due is considerable but the amount of compensating advantage to be set off against the same is also considerable and the actual compensation is. therefore, small, then he may have regard to the extent and difficulty of the work involved.
- (10) Either the Crown or the Owner may within thirty days give notice of appeal to the Supreme Court against the finding of the assessors upon any question of law or fact, or upon the question of the amount of compensation. Costs in such appeal may be awarded for or against the Crown at the discretion of the Court.

EXECUTION OF DOCUMENTS

19. Whenever the Crown shall have occasion either to acquire or to convey any land or property through the Execution of Documents. Department of Marine and Fisheries, the Minister may execute all deeds and documents on behalf of the Crown with his own hand and official style and with the Seal of his Department, and it shall not be necessary for the Great Seal of the Colony to be affixed to any such docu-

ment; provided always that the same shall be countersigned by the Minister or Deputy Minister of Justice before being so executed.

Short Title.

20. This Act may be cited as "The Marine and Fisheries Act, 1933."

Repeal.

21. The Act 22 George V., Chapter 15 (second Session) entitled "An Act to combine the Departments of Agriculture and of Mines with the Department of Marine and Fisheries under the title 'The Department of Lands and Fisheries' "is hereby repealed.

CAP. XLIX.

AN ACT RELATING TO SALT CODFISH

(Passed July 7, 1933)

SECTION

- 1.—Interpretation.
- 2.—Salt Codfish Exporters
 Association Confirmed
 and continued.
- 3.—Salt Codfish Exportation Board.
- 4.—Powers of Board.
- 5 .- Funds of Board.
- 6.—Board to consult with Association.
- 7.—Effect of Regulations, and date of taking effect.

SECTION

- 8.—Who may be licensed to export fish.
- 9.—Collection of export taxes
- 10.—Association may elect Committee.
- 11.—Amendment of Sec. 4 of Salt Codfish Act 1931; membership.
- 12.—Amendment of Sec. 10 Salt Codfish Act 1931.
- 13.—Repeal.
- 14.—Short Title.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. In this Act

Interpretation.

- (1) The expression "the Association" means "the Salt Codfish Exporters Association of Newfoundland" which is hereinafter referred to.
- (2) The expression "the Board" means "the Salt Codfish Exportation Board" hereinafter constituted.
- (3) The word "fish" means "salt codfish,"
- (4) The word "Minister" means "the Minister of Marine and Fisheries."

Salt Codfish Exporters Association continued.

2. The Salt Codfish Exporters Association of Newfoundland constituted under the Act 22 George V. Chapconfirmed and ter 24 (the Salt Codfish Act. 1931) is hereby confirmed and continued.

Salt Codfish Exportation Board.

- 3. (1) There shall be a Board to be called "the Salt Codfish Exportation Board' appointed by the Governor in Council.
 - (2) The Board shall consist of not more than three persons who shall be persons having no connection with or interest in any company or firm exporting fish, and shall hold office during pleasure.
 - (3) The Members of the Board shall devote their whole time to their duty as such Members and shall not during their tenure of appointment follow any other profession, trade or occupation.
 - (4) The Members of the Board shall be ex officio Members of the Association.
 - (5) If at any time only one person has been appointed, he shall by himself constitute the Board until a second person is appointed, and so long as only two have been appointed they shall constitute the Board. After three persons are appointed two shall be a quorum of the Board, and so long as only two persons have been appointed one shall be a quorum of the Board.
 - (6) The Governor in Council shall fix the salaries of the Members of the Board.

Powers of Board.

4. The Board shall have the following powers:

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- (1) To employ and dismiss such officials and servants as it may deem necessary;
- (2) To fix and pay the salaries of such officials and servants:
- (3) To pay the salaries of the Members of the Board as fixed by the Governor in Council:
- (4) To issue to persons eligible to receive the same, licenses to export fish as hereinafter mentioned:
- (5) To make an annual report to the Secretary of State, which shall include a statement of revenue and expenditure, a statement of its activities during the past year and any other matter which the Board may think fit:
- (6) To carry out and enforce all rules and regulations made under this Act:
- (7) To institute or defend or appear to actions or proceedings, in any Court by or against the Board:
- (8) Pending the prohibition by regulation of the export of uninspected fish, to provide at the request of any exporter for the inspection and grading according to the standards laid down by regulations of any fish which such exporter may desire to export, and to issue official certificates of such inspection and grading;
- (9) After the prohibition of the export of uninspected fish, to issue any certificate of inspection and grading which may be considered desirable, over and above the ordinary official marks or brands;

- (10) To study all matters connected with the fish trade and to make, subject to the approval of the Governor in Council as hereinafter provided, rules and regulations relating to:
 - (a) The determination of the different types and grades of fish for foreign markets, and the inspection, culling, selecting, assorting and standardization of the same before export;
 - (b) The classing, grading and culling of fish as between buyer and seller within the Dominion;
 - (c) The nature of packages, manner of packing, inspection, branding and marking of packages, to be used in the export of fish;
 - (d) The prohibition of the export of fish which has not been graded, inspected, packed, branded and marked in accordance with the regulations for the time being in force;
 - (e) The licensing of fish exporters, and the prohibition of export by unlicensed persons;
 - (f) The regulation of shipments of fish to the several markets:
 - (g) The regulation or prohibition of the import and use of any grade or kind of salt which may be deemed undesirable for use in the fisheries;
 - (h) The imposition of an export tax on fish to provide funds for the earrying out of the purposes of this Act;

(i) Any other matter (other than the fixing of prices) which the Board may deem necessary or desirable for the benefit of the Domnion's trade in codfish.

and any such regulation may include provisions for the enforcement thereof and penalties for the breach thereof.

The Board shall, in recommending regulations under paragraphs(a) and (b) of sub-section 10 of this Section, take care, so far as possible to bring into force concurrently a system of standardization for export and a system of culling as between buyer and seller.

5. (1) The funds of the Board shall consist of

Funds of Board.

- (a) the fees for licenses to export fish;
- (b) the proceeds of any Export Tax imposed by Statute or by regulations;
- (c) the penalties collected for any breach of regulations;
- (d) any moneys contributed out of the funds of the Dominion for the purposes of the Board;

and such funds shall be deposited in some chartered bank doing business in this Dominion, and cheques may be drawn against the same signed by the Chairman or in his absence any other member of the Board and countersigned either by the Secretary, if any, or by another member of the Board.

(2) The Board shall keep full and complete books of account which shall be subject to audit by the Comptroller and Auditor General.

Board to consult with Association.

6. It shall be the duty of the Board to maintain full and continuous communication and consultation with the Association or with its Officers and Committee, and to afford the Association, or its Officers or Committee an opportunity of considering and discussing any proposed regulations; and in the event of the Association or its Officers or Committee dissenting by a majority from any proposed regulations of the Board, the Board shall, in putting forward its recommendation to the Governor in Council, put forward therewith a statement of the Associations' dissent, with reasons, a statement of which, if not furnished by the Committee, shall be drawn up by the Board.

Effect of Regulations, and date of taking effect. 7. Every regulation recommended by the Board to the Governor in Council. if and when approved by the Governor in Council and published in the Newfoundland Gazette, shall if not inconsistent with this Act have effect as if enacted in this Act. The date from which such regulation shall begin to have effect shall be stated in the regulation and if not recommended by the Board it shall be fixed by the Governor in Council.

Who may be licensed to export fish.

- 8. Any regulation dealing with the issue of licenses to export fish shall provide for the licensing of:—
 - (a) bona fide exporters of fish occupying and operating premises, including stores and wharves, suitable for the storage, handling, packing and shipment of fish, and being members of the Association;
 - (b) brokers, who shall, when so required by the Board, make such provision, as may be necessary, for the inspection of fish which they de-

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sire to export, and provided that other rules and regulations of the Board have been duly observed; and no others. Such licenses shall be renewable annually. A fee of \$10.00 shall be paid for every such license, and on each renewal of the same, and shall be paid to the Board and form part of its funds.

- 9 The Department of Customs shall collect for the Collection of Board any Export Tax lawfully imposed; and shall pay export taxes. the proceeds over to the Board; and no fish shall be entered outwards for exprt without such Tax being paid.
- 10. In addition to the President, Vice-President and Association Secretary-Treasurer mentioned in section 4 of the Salt may elect Codfish Act. 1931, the Association shall at its first gen-Committee. eral meeting after the passing of this Act elect a Committee of such number of persons as it may think fit, which Committee, including the President and Vice-President, shall have power to act for the 'Association in the intervals between general meetings. Such Committee shall thereafter be elected at each annual meeting.

11. Sub-section (d) of Section 4 of the Salt Codfish Amendment of Act, 1931, is hereby amended by adding to the end there-Sec. 4 of Salt of the words "The by-laws of the Association shall in- Codfish Act 1931; memberclude provision for the admission to membership from ship. time to time of persons, firms or bodies corporate eligible for membership and for the removal from membership of the Association of persons, firms or bodies corporate who have ceased to be qualified for membership."

12. Section 10 of the Salt Codfish Act, 1931, is hereby Amendment of amended by striking out the words "its Board, agent or Sec. 10 of Salt Codfish Act servants." 1931.

13. The following Acts are hereby repealed:

Repeal

- (a) The Act 22 George V. Chapter 24 (The Salt Codfish Act, 1931) except Sections 4 and 10.
- (b) The Act 22 George V. (Second Session) Chapter 19.

Short Title 14. This Act may be cited as "The Salt Codfish Act. 1933."

NOTE

(Not Forming Part of the Bill)

For convenience of reference, Sections 4 and 10 of the 1931 Act, which constitute the now existing Association, and which are not repealed under the present Bill, are here added.

Salt Codfish Act, 1931

Section 4—

- (a) "The Salt Codfish Exporters' Association of Newfoundland" (hereinafter called the "Association) is hereby constituted and incorporated and by that name may sue and be sued, implead and be impleaded, receive and hold property and effects, real and personal, by gift, devise or purchase and dispose of the same; may have a common seal and alter same from time to time, and may make such rules, regulations and by-laws from time to time as they may think proper or necessary for the government of the corporation hereby created, and not otherwise contrary to law.
- (b) For the purpose of incorporation the following persons shall be members of the Association, and shall continue to be so long as they continue to be eligible and in good standing

with the Association:—Harvey & Company, Ltd., Job Bros. & Co., Ltd., James Baird, Ltd., Baine Johnston & Co., Ltd., Tor's Cove Trading Co., Ltd., Bowring Bros., Ltd., A. H. Murray & Co., Ltd., T. Hallett, Crosbie & Co., Geo. M. Barr, Ltd., Monroe Export Co., Ltd., A. E. Hickman & Co., Ltd., James Strong, Ltd., Ashbourne's Fisheries, Ltd., Hodge Bros., George J. Carter, Earle, Sons & Co., Ltd., Newfoundland-Labrador Export Co., Ltd., Philip Templeman, Ltd., Harris & House, Ltd., Fisherman's Union Trading Co., Ltd., J. T. Swyers Co., Ltd., Newfoundland Produce Co., Ltd., W. & J. Moores, Ltd., Ryan Bros., Ltd., Williams & Co., J. Penny & Sons, Ltd., J. & F. Moores, Thomas Garland, James Ryan (Bonavista), Juan Lazo (St. John's), Rocha & Chafe, Ltd., Hollett Sons & Co., Ltd., E. H. Hollett, Hallett & Co., Cheeseman Ltd., Geo. A. Bartlett, W. A. Munn, Samuel Harris Export Co., Ltd., J. B. Patten & Sons, Ltd., Forward & Tibbo, Wm. Forsey, Jerry Petite & Sons, Ltd., Clarence Tilley, G. & A. Buffett, Ltd., Lake & Lake, J. H. Roberts, W. H. Greenland, J. C. Ellis, Frederick Woodman, Samuel Piercev.

Any other person, firm or body corporate shall be eligible for membership who operates a mercantile premises, including store or stores and a wharf or wharves suitable for the storing, handling and packing of salt codfish, or who not having such premises gives assurance to the satisfaction of the Board hereinafter mentioned that he will export not less than 1000 quintals of salt codfish during the season immediately following the application.

(c) A firm shall be represented by one of its mem-

bers duly appointed in writing, and a body corporate by one of its officers duly appointed under the seal of the company.

- (d) The first general meeting of the Association shall be convened by the Minister of Marine and Fisheries within one calendar month after the passing of this Act. At that meeting it shall be competent for those present to admit to membership any person not above named who applies for membership and is qualified under sub-section (b) hereof, and who shall subscribe his name in the roll of members. The whole of the persons then present shall proceed to elect a President, Vice-President and Secretary-Treasurer. These three shall hold office until the election of their successors; the second general meeting of the Association to be held under and in accordance with such by-laws as may be adopted and prescribed at the first or any subsequent meeting of the Association. The President, Vice-President, or Secretary-Treasurer shall have power to call any subsequent meeting.
- (e) From and after the first meeting as provided herein, the annual meeting of the Association shall take place in the month of April in each year, at St. John's. Special meetings may be called by the Board from time to time.

Section 10-

The members of the Association shall not be liable personally, for any liability of the Association, its Board, agents or servants. Such liability shall be limited to the assets of the Association.

CAP. L.

AN ACT RELATING TO THE CULLING OF CODFISH

(Passed July 7, 1933)

SECTION

- 1.—Licensing and S_W earing in of cullers.
- 2.—Oath of Culler.
- 3.—Form of license; period; cancellation.
- 4.—Culling without a licence; penalty for.
- 5.—Acceptance of bribe by culler; penalty for.

SECTION

- 6.—Procedure in case of dispute.
- 7.—Return of oaths administered.
- 8,-Power to administer oath
- 9.—Procedure.
- 10.—Repeal.
- 11.—Short Title.
- Schedule A.
- Schedule B.
- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. No person shall cull codfish as between vendor and Swearing in vendee in this Dominion unless such person shall previously have received a license from the Board constituted under the Salt Codfish Act 1933, and shall previously have been sworn before a Stipendiary Magistrate or Justice of the Peace, faithfully and without fear, favour or affection, to discharge the duties of a fish culler.

Oath of culler

- 2. The oath to be taken by such culler shall be in the form of Schedule A to this Act.
- 3. The license to be granted as aforesaid, shall be in Form of the form of Schedule B to this Act; provided that such license; perilicense shall continue in force for a period of five years, lation. and may be renewed at the expiration of that time for a like period, and so on from time to time for the number of years aforesaid, but the Board shall have power to can-

cel such license at any time without assigning any cause therefor. The fees for such license shall be one dollar upon the first issue, and fifty cents for each renewal of the license; the said fees shall be paid to the said Board and form part of its funds.

penalty for.

4. Any person who shall cull codfish, as between ven-Culling without a license; dor and vendee without being the holder of a license, shall be liable upon summary conviction to a fine not exceeding ten dollars for each offence, or in default of payment thereof to imprisonment for a period of not exceeding ten days for each offence.

Acceptance of bribe by cull-

5. Any person who shall accept from any vendor or vendee, or from any person on behalf of such vendor or er; penalty for vendee, any payment, reward, gift or favour of any kind whatsoever, for his services as a culler of codfish, other than payment at the rate fixed by the Board for culling codfish, shall be subject on summary conviction for each offence to a penalty not exceeding fifty dollars, or in default of payment thereof, to imprisonment for a period not exceeding two months and also shall, on conviction thereof, forfeit his license as a culler of codfish.

Procedure in case of dispute.

6. In case of any dispute arising between a vendor and vendee as to the culling of any codfish by any licensed culler engaged in culling the fish of such vendor, such dispute shall be forthwith referred to a culler specialy appointed by the said Board and his decision shall be final and binding between the parties.

Return of oaths administered.

7. Every Stipendiary Magistrate or Justice of the Peace swearing such cullers as aforesaid, shall in each year make out, sign and transmit to the Board a statement showing the person or persons sworn before them for the purposes of this Act.

Power to administer oath.

8. Stipendiary Magistrates or Justices of the Peace are hereby empowered to administer the oath provided in

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Schedule A to this Act to persons applying for a culler's license, in accordance with the provisions hereof.

- 9. All penalties under this Act shall be recovered up-procedure. on complaint and summary conviction before a Stipendiary Magistrate, by any one who shall make such complaint and prosecute the offender to conviction.
- 10. Chapter 160 of the Consolidated Statutes (Third Repeal Series) entitled "Of the Culling of Codfish," is hereby repealed.
- 11. This Act may be cited as The Fish Culling Act Short Title. 1933.

SCHEDULE A

Culler's Oath

I, A. B., do solemnly swear that I will honestly, faith-Schedule A. fully, and impartially, and to the best of my ability, cull all fish entrusted to me for culling, without fear, favour, or affection of or to any vendor or vendee of such fish.

(Place) (Date)

A. B.

Sworn before me, at..... this......19..

C. D.

J. P., (or as the case may be).

N.B.—This oath must be signed and endorsed on the culler's license.

SCHEDULE B.

Culler's License

This is to certify that A.B. of, Schedule B. has been licensed by the Salt Codfish Exportation Board of Newfoundland to cull codfish according to the provisions of The Fish Culling Act 1933.

> (Place) (Date)

> > C. D.

J. P., (or as the case may be).

CAP. LI.

AN ACT RESPECTING FISHERY SUPPLIES FOR THE CURRENT SEASON

(Passed July 7, 1933)

SECTION
Recitals.
Debt due to Crown.
2.—Debt due to be charge

SECTION
on fish.
3.—Delivery of fish.
4.—Offence against this Act.

WHEREAS for the purpose of enabling certain fish-Recitals ermen in the Dominion to prosecute the cod fishery during the current season it is considered desirable and in the public interest that the Minister of Marine and Fisheries (hereinafter in this Act called the Minister) should be empowered to purchase and advance to such fishermen fishery supplies in accordance with their several requirements;

AND WHEREAS the Minister has been empowered to expend out of the funds of the Dominion a sum not exceeding \$150,000.00 for the purchase of the said supplies;

AND WHEREAS it is considered desirable that provision should be made for securing the repayment of the said advances and for the protection of the revenue;

- Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session, convened, as follows:
- 1. The cost of all goods and merchandise purchased Debt due to for and supplied to any fisherman by the Minister for the Crown. purpose of the fishery season of 1933, and all costs and expenses necessarily incurred in connection therewith, shall constitute a debt due the Crown and shall have all incidents and priorities belonging by law to such debts.

Debt due to be charge on fish.

2. As long as the said debt or any part thereof remains due and owing to the Minister, the amount so ewing shall be a first charge upon all fish caught by the debt-or during the current season in the same manner and to the same extent as if the said fish were presently in existence and a chattel mortgage thereof to the Minister to secure the repayment of the amount owing had been registered. Without limiting the generality of the foregoing, the Minister shall be entitled to satisfy such charge by possession, sale or other lawful disposition of the said fish; and may follow the same or the proceeds thereof into the hands of third persons, whether such persons shall have had notice of such charge or not.

Delivery of fish.

3. Any fisherman supplied as aforesaid shall, if the Minister so require, deliver all fish eaught by him to the Minister or to such agent or agents as the Minister may appoint for that purpose; and the Minister shall have powor to sell or otherwise dispose of the said fish to satisfy the amount owing to him. Any balance remaining out of the proceeds of sale after deducting the debt due and all necessary expenses of collection and sale shall be held by the Minister in trust for the debtor and shall be paid to him.

Offence against this Act.

- 4. If any such fisherman debtor shall sell, barter, exchange or otherwise deal with the fish caught by him with intent to defeat the claim of the Minister or otherwise defraud the revenue, or if any person or persons shall buy, accept or otherwise handle such fish with the same intent, all persons so offending shall be guilty of obtaining money by false pretences and shall be punishable accordingly.
- 5. This Act may be cited as "The Fishery Supplies Act 1933."

CAP. LII.

AN ACT FURTHER TO AMEND THE ACT 22 GEORGE V., CHAPTER 25, ENTITLED "AN ACT RESPECTING THE EXPORT OF MARINE SHELL FROM LABRADOR AND THE ISLANDS ADJACENT THERETO"

(Passed May 23, 1933)

SECTION

1.—Amendment of Sec. 2 of 22 Geo. V. Chap. 25.

SECTION

2.—Amendment of Sec. 4 of same.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 2 of the Act 22 George V., Chapter 25, entitled "An Act respecting the Export of Marine Shell of Sec. 2 of from Labrador and the Islands adjacent thereto" shall be read as if at the end thereof there appeared the figures 1933 instead of the figures 1932.
- 2. Section 4 of the said Act is hereby repealed and Amendment the following substituted therefor:

 of Sec. 4 of same.

The Company shall between the date of the passing of this Act and the close of the shipping season of 1933 export not less than 25,000 tons of marine shells and thereafter each year a like quantity. All rights acquired under this Act shall cease and determine if the said quantity shall not be exported in any such shipping season or in the initial period ending 1933, provided by this section.

CAP. LIII.

AN ACT FURTHER TO AMEND CHAPTER 183 OF THE CONSOLIDATED STATUTES OF NEW-FOUNDLAND (THIRD SERIES) ENTITLED "OF THE MANAGEMENT AND CONTROL OF THE HARBOUR OF GRAND BANK."

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 5 of the Act 11 George V., Chapter 33, entitled "An Act to Amend Chapter 183 of the Consolidated Statutes of Newfoundland (Third Series) entitled 'Of the Management and Control of the Harbour of Grand Bank,' '' is hereby repealed.

CAP. LIV.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RESPECTING THE ENCOURAGEMENT OF SHIP-BUILDING

(Passed July 7, 1933)

SECTION

1.—Interpretation.

2.—Chief and Deputy Inspectors.

3.—Rates of bounty.

4.—Certain ships not to receive bounty.

5.—Surveys.

6.—Time of Accrual of right to bounty.

7.—Fee for survey.

8.—Payment of bounty.

9.—Penalty upon inspector making false statements.

SECTION

10.—Alteration of Schedules by Regulation.

11.—Repeals.

12.—Short title.

Schedule A: construction under.

Schedule B: construction under.

Schedule C: construction under.

Schedule D: construction under.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. In the interpretation of this Act, unless the context implies a different meaning:
 - (a) The words "built and equipped" mean newly built and equipped in this Dominion, with new materials, as specified in one of the Schedules to this Act, or classed at Lloyds.
 - (b) The word "ton" means ton by builder's measurement.
 - (c) The word "Inspector" means and includes the Chief or a Deputy Inspector.
 - (d) The word "ship" includes every description

of vessel used in navigation not propelled by oars.

Chief and Deputy Inspectors. 2. The Governor in Council may appoint a Chief Inspector and Deputy Inspectors of Shipping. So long as Lloyds have a surveyor in Newfoundland under an agreement with the Government of Newfoundland, he shall be appointed Chief Inspector under this Act.

Rates of bounty.

- 3. The following bounties may be paid in respect of built and equipped ships suitable in the opinion of the Chief Inspector for commercial use in the trade of the Dominion, and registered in the Dominion: Provided that no such ship shall be entitled to bounty unless a permit to build her shall have been obtained from the Minister of Marine and Fisheries before the commencement of building.
 - (a) Upon ships of not less than eighty tons, classed at Lloyds, thirty dollars per ton up to one hundred and fifty tons; and twenty dollars per ton for each ton in excess of one hundred and fifty.
 - (b) Upon ships of not less than twenty tons, built according to Schedule A hereto, thirty dollars per ton up to one hundred tons, and sixteen dollars per ton on tonnage in excess of one hundred tons and up to one hundred and fifty tons.
 - (c) Upon ships of not less than twenty tons, built according to Schedule B. hereto, twenty-five dollars per ton up to seventy-five tons; and ten dollars per ton for each ton in excess of seventy-five and up to one hundred.
 - (d) Upon ships of not less than twelve tons nor more than forty tons built according to Schedule C hereto, twenty dollars per ton.

- (e) Upon ships of not less than one hundred tons, built according to Schedule D hereto, forty dollars per ton, provided that the Government shall not pay bounty on any amount of tonnage in excess of 150 tons.
- (f) Ships built according to Schedules A, B, C and D shall be equipped with Lloyds tested chains and with anchors, chain plates, deadeyes, hawse pipes, rigging and spars suitable to their tonnage; in the case of sailing vessels, with sails suitable to their tonnage; and in the case of motor vessels, with such sails as the inspector may deem necessary for emergency use, all of which shall be new.
- (g) If a ship whose hull is newly built with new material according to one of the Schedules hereto be equipped in whole or in part with previously used materials, two thirds of the bounty which would be payable in respect of such ship if her equipment were new shall be payable to her owner if a surveyor in addition to surveying and certifying as in the case of a ship built and equipped within the meaning of this Act has also certified that the equipment provided is fit and proper for such ship.
- (h) It shall be lawful for the Minister of Finance and Customs upon receiving a certificate signed by the Chief Inspector that a motor vessel has been completed, built and equipped as provided herein to cause to be refunded to the owner of such motor vessel in addition to the duties referred to in Item 359 (a) of Schedule B of the Revenue Act, 1925, the duty and sales tax upon the motor engines and accessories thereto imported into the Dominion for use in and installed in such motor vessel and so certified by the Chief Inspector.

Certain ships not to receive bounty.

4. No bounty shall be paid in respect of a ship built and equipped which has not been classed at Lloyds or surveyed by an Inspector, or concerning which, if not so classed, an Inspector has not certified in writing that he has duly surveyed her, and found her to be built and equipped as provided herein.

Surveys.

- 5. No bounty shall be paid in respect of any ship built and equipped according to Schedule A, B, C or D hereto unless such ship has been surveyed:
 - (a) When the frames, beams and knees are in place, and before they are covered by planking;
 - (b) When the ship has been planked; and she is ready for launching; and
 - (c) Upon the completion of the ship, and the fitting of the gear and equipment;
 - (d) Provided that in the case of a ship not surveyed as hereinbefore specified:—
 - (1) If a permit to build shall have been obtained as hereinbefore provided; and
 - (2) If the builder of such ship make affidavit before a Justice of the Peace, stating the efforts that have been made by him to have surveys made as hereinbefore provided, and that to the best of his knowledge and belief the ship has been built and equipped as provided in a named Schedule to this Act; and
 - (3) If a competent shipbuilder other than the builder of the ship make affidavit before a Justice of the Peace that he has surveyed such ship, and that to the best of his

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knowledge and belief she is built and equipped as provided in the said Schedule to this Act: and

- (4) If upon a survey by an Inspector, after completion, a certificate be given by him that to the best of his knowledge and belief the ship is built and equipped according to the said Schedule to this Act; and
- (5) If the proper survey fees have been paid— A bounty shall be paid in respect of such ship under Section 3 of this Act, according to the Schedule the Inspector has certified the ship to have complied with.
- 6. The right to bounty under this Act shall be held Time of to accrue or to have accrued, if at all, upon the final sur- Accrual of right to vey herein provided for being made. bounty.
- 7. The owner of every ship surveyed hereunder shall Fee for pay to the Minister of Finance and Customs a fee of ten survey. cents per ton, recoverable before a Stipendiary Magistrate by an action in the name of the said Minister.
- 8. Upon receiving the certificate or certificates of the Payment of Chief Inspector, and after the fee for surveying a ship has bounty. been paid, the Minister of Finance and Customs shall cause the proper bounty to be paid out of the Consolidated Revenue Fund to the owner, or the nominee of the owner, of any ship in respect of which such bounty is due and pavable.

9. For making any wilfully false statement in relation to the survey of any ship, or for wilfully or neglit inspector gently giving any ship a class to which she was not en- making false titled, an Inspector, upon conviction in a summary proceeding before a Stipendiary Magistrate, shall be liable to a penalty not exceeding one thousand dollars, or in default, to imprisonment not exceeding one year.

Alteration of Schedules by Regulation.

10. The Governor in Council may from time to time by rules and regulations to be published in the Newfoundland Gazette add to, alter, vary or amend the various clauses or matters comprised in the Schedules A, B, C and D, or any of them, relating to the construction of Ships.

Repeals.

11. The Act 15 Geo. V.. Cap. 23 entitled "An Act Respecting the Encouragement of Shipbuilding and Rebuilding," and the Act 16 and 17 Geo. V. Cap. 23 entitled "An Act to Amend the Act 15 and 16 Geo. V. Cap. 23 (1925) entitled "An Act Respecting the Encouragement of Shipbuilding and Rebuilding" and the Act 20 Geo. V. Cap. 24 entitled "An Act to Amend the Act 15 Geo. V. Cap. 23 entitled "An Act Respecting the Encouragement of Shipbuilding and Re-building" and Acts in amendment thereof" are hereby repealed.

Short title.

12. This Act may be cited as The Shipbuilding Act, 1933.

SCHEDULE A

Schedule A; construction under.

Vessels Claiming Bounty

The thickness of plank used in planking, ceiling and decking shall be:—

For vessels from twenty to thirty tons; planking not less than two inches; ceiling, two inches; decking, two and three-eighth inches. Timber framing not less than 5 inches.

For vessels from thirty to forty tons: planking, two and a quarter inches; ceiling, two inches; decking, two and a half inches. Timber framing not less than 5 and a half inches.

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For vessels from forty to sixty tons; planking, two and a half inches; ceiling, two and a quarter inches; decking, two and three quarter inches. Timber framing not less than six inches.

For vessels from sixty to ninety tons; planking, not less than two and three quarter inches; ceiling, two and one quarter inches; decking, three inches. Timber framing not less than six and a half inches.

For vessels from ninety tons upwards: planking, not less than three inches; ceiling, two and a half inches; decking, three inches. Timber framing not less than 7 inches.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank and ceiling in all vessels over twenty-five tons.

Vessels under that measurement may be fastened under the bilge with galvanized or composition nails, one in each timber for every strake of plank. Nails are not to be used in substitute for bolts in planking vessels over thirty tons.

All planks over seven inches in width shall have two bolts or trenails in each timber, and caulked outside and wedged inside.

The frame shall be good, squared sound timbers, which shall not be more than five inches apart, and thoroughly fastened together with fore and aft bolts.

For planking there shall not be less than five feet shift between the butts and two butt bolts and one rivet bolt through each butt.

In timbering a vessel there shall be two trenails in each locking, and the locking shall be keyed.

Any vessel with raised deck shall have main deck go aft under the raised deck to the next beam. The raised deck beam shall have a rivet bolt through and bolted two feet apart; deck knees between the beams, fore and aft stringers at bilge, one inch thicker than ceiling, and to be two to four feet wide according to tonnage.

One stringer at each side of the bow with breast hook; one pair pointers aft.

Plates for bob-stay and forestay shall come back on main plank eighteen inches long, and shall have three bolts in each plate.

For stem, keel and stern-post there shall be good dovetail plates.

Each vessel shall have a good windlass and windlass bitts rivetted and bolted through the beams.

Each vessel shall be supplied with two pumps.

Each vessel shall be furnished with Lloyds tested chains of suitable size and lengths, anchors, chainplates, deadeyes, hawsepipes, rigging, sails and spars according to tonnage, all of which shall be new.

In all vessels the keel, stem, stern-post, the outside planking from the keel to the light water line, shall be of birch, juniper or other good sound hardwood and the inside bilge planks shall be one inch thicker than the plank above the bilges. The planking from the bilges upwards may be of juniper or good sound spruce.

Vessels over seventy tons shall be iron strapped, four straps on each side. Three masted schooners to have six straps on each side, opposite the rigging. In the building of all vessels three strakes of planking shall intervene between butts fixed to the same timber. All timber used in the construction of such vessel shall be seasoned.

SCHEDULE B

Schedule B; construction under.

Vessels Claiming Bounty

Thickness of plank used in planking, ceiling and decking shall be:—

For vessels from twenty to thirty tons; planking on top sides not less than two inches; under top sides, one and three quarter inches; ceiling, one and one-half inches; decking, two inches. Timbers not more than seven inches apart.

For vessels from thirty to forty tons; planking on top sides, two and one-half inches; under top sides, two and one-quarter inches; ceiling, one and three-quarter inches; decking, two and one-quarter inches. Timbers not more than seven inches apart.

For vessels from forty to sixty tons; planking, two and one-half inches; ceiling, two inches; decking, two and three-quarter inches. Timbers not more than seven inches apart.

For vessels from sixty to seventy-five tons; planking, two and one-half inches; ceiling, two and one-quarter inches; decking, two and three-quarter inches. Timbers not more than five inches apart.

For vessels of seventy-five tons and upwards; planking, two and three-quarter inches; ceiling, two and one-half inches; decking, two and three-quarter inches. Timbers not more than five inches apart.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank or ceiling in all vessels over thirty tons.

Vessels under forty tons may be fastened under the bilge with galvanized or composition nails, one in each timber for every strake of plank. Nails are not to be used in substitution for bolts in planking vessels over forty tons.

In vessels from thirty tons upwards with flush decks. the decking may be one-quarter inch less in thickness.

All planks over seven inches in width shall have two bolts or trenails in each timber, trenails to be caulked outside and wedged inside.

The frame shall be of good, squared, sound timbers, thoroughly fastened together, and, of sizes as per-Schedule A.

For planking there shall not be less than four and one-half feet between the butts, and two spikes and one rivet bolt through each butt.

In timbering a vessel there shall be two trenails in each locking, and the locking shall be keyed.

Any vessel with a raised deck shall have main deck go att under the raised deck to the next beam. The raised deck beam shall have a rivet or screw bolt through and bolted, two feet apart, deck knees between the beams, fore and aft stringers at bilge, one-inch thicker than ceiling, and to be two to four feet wide, according to tonnage. One stringer each side of the bows, with breast hooks, one pair pointers aft.

Plates for bob-stay and fore-stay shall come back on main plank, eighteen inches long, and shall have three bolts in each plate.

For stem, keel and stern post there shall be good dovetail plates.

Each vessel shall have a good windlass, and windlass bitts riveted and bolted through beams.

Each vessel shall be furnished with Lloyds tested chains of suitable sizes and lengths, anchors, chain plates, deadeyes, hawse pipes, rigging, sails and spars, according to tonnage, all of which shall be new.

Each vessel shall be supplied with two pumps.

In all vessels the keel, stem, stern-post and outside planking from the keel to the light water line shall be of birch, juniper or other good, sound hardwood, and the inside bilge planks shall be one inch thicker than the plank above the bilges. The planking from the bilges upward may be of juniper or good sound spruce.

Every vessel shall have as many pairs of additional strap-iron knees as the Inspector or Deputy Inspector shall deem necessary.

In the building of all vessels three strakes of the planking shall intervene between butts fixed to the same timber.

SCHEDULE C.

Vessels Claiming Bounty

The thickness of plank used in planking, ceiling and decking shall be:—

Schedule C: construction

For vescels from twelve to twenty tons:—Planking under. not less than one and a quarter inches; ceiling, one and one-eighth inches; decking, one and a quarter inches; timbers not more than twelve inches apart.

For vessels from twenty to thirty tons:—Planking on top-sides not less than one and three-quarter inches; un-

der top sides one and one-half inches; ceiling, one and onequarter inches; decking, one and three-quarter inches; timbers not more than ten and one-half inches apart.

For vessels from thirty to forty tons:—Planking two inches; ceiling, one and one-half inches; decking, two inches; timbers not more than eight inches apart.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank or ceiling in all vessels over thirty tons.

Vessels under this Schedule may be fastened under the bilge with galvanized or composition nails, one in each timber for every strake of plank.

All plank over nine inches in width shall have two bolts or trenails in each timber, trenails to be caulked outside and wedged inside, for all vessels over thirty tons.

The frame shall be of good, sound timbers thoroughly fastened together, and of sizes as per Schedule A.

For planking, there shall not be less than four feet shift between the butts, and one rivet through each butt.

In timbering a vessel there shall be two trenails in each locking and the locking shall be keyed.

Any vessel with a raised deck shall have main deck go aft under the raised deck to the next beam. The raised deck beam shall have screw-bolts or rivet-bolts spaced two feet apart, deck knees between the beams, fore and aft stringers at bilge, one inch thicker than ceiling, and to be two to four feet wide, according to tonnage for vessels over thirty tons.

One pair of stringers each side of the bows, with breast hooks, for vessels over thirty tons.

For stem, keel and stern post there shall be good dove-tail plates.

Each vessl shall have a good windlass and windlass bitts, rivetted and bolted through beams.

Every vessel under thirty tons shall be supplied with at least one pump and every vessel over thirty tons with at least two pumps.

In the building of all vessels under thirty tons, two strakes, and of all vessels over that tonnage three strakes of the planking shall intervene between butts fixed to the same timber.

In all vessels, the keel, stem, stern-post, the outside planking from the keel to the light water line, shall be of birch, juniper or other good, sound hardwood. The planking from the bilges upwards may consist of juniper or good sound spruce.

SCHEDULE D.

Motor Vessels Suitable For The Sealfishery Claiming Bounty

Vessels claiming bounty under this Schedule shall be Schedule D: of not less than 100 tons. They shall be well and sub-construction under. stantially built and be fitted with double stern posts forming a propeller aperture.

The dimensions of the stem, stern posts, keel, etc., shall be as follows:—

STEM—Stem to be at least twelve inches sided and moulded and fitted with false stem.

KEEL-Keel to be at least twelve inches sided and mould-

ed, and be fitted with a keel shoe at least three inches deep.

- KEELSON—Keelson to be fitted not less than twelve inches sided and moulded.
- INNER STERN POST—Inner stern post to be at least twelve inches square at ends, and to be increased in thickness in way of stern tube so that there shall be not less than three inches of solid wood around stern tube.
- OUTER STERN POST—Outer stern post to be at least twelve inches square.
- FRAME—The frame to be of good sound squared timbers, at least seven inches sided and moulded. The timbers to be spaced not more than five inches apart, and to be thoroughly fastened together with fore and aft bolts. There shall be two trenails in each locking of timbers, and the locking shall be keyed.
- PLANKING—Planking to be not less than three inches thick. All planks over seven inches in width to have two bolts in each timber, or two trenails caulked outside and wedged inside. There shall be not less than five feet shift between the butts, and two butt fastenings and one rivet bolt through each butt. Three strakes of planking shall intervene between two butts fixed to the same timber.
- PLANKING—Plank and ceiling shall be through fastened. At least one half of the fastenings in the vessel shall be trenails.
- CEILING—Ceiling to be not less than three inches thick. Fore and after stringers at bilge to be one inch thicker than ceiling, and to be three to four feet wide according to tonnage.

- DECKING—Deck planking to be three inches thick. Three strakes of decking shall intervene between two butts on the same beam.
- DECK BEAMS—Deck beams to be at least nine inches sided and moulded, but may be reduced to seven and half inches moulded at ends. Deck knees to be fitted between the beams.
- STRINGER-Stringer at each side of bow, with breast hook to be fitted. An additional breast hook to be fitted between stringer and deck.

POINTERS—Pointers to be fitted at stern.

- RAISED DECK—Where a raised deck is fitted, the main deck shall extend aft under raised deck to at least the next beam. The raised deck beam shall have rivet bolts through spaced not more than two feet apart.
- SHEATHING—Vessels under this Schedule shall be sheathed with green-heart or other approved hardwood not less than one and half inch thick. The sheathing to extend from covering board down for a distance of at least seven and a half feet. Iron stem plate to be fitted, and iron bow plates to be fitted to extend two feet from bow in on main plank.
- WOOD RUDDER—Where a vessel is fitted with a wood rudder the diameter of the rudder head shall be at least twelve inches, and the rudder blade shall be protected with iron sheathing.
- IRON RUDDER—Where an iron rudder is fitted, the diameter of the rudder head shall be not less than four and quarter inches, and the rudder shall be constructed to the satisfaction of the Inspector. Cast

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iron must not be used for rudder braces, gudgeons or pintles.

- MATERIAL—In vessels built to this Schedule, the keel, stem, sternpost, and outside planking from keel to load line, shall be of birch, juniper, or other good sound hardwood.
- PROPELLER APERTURE—The framework of the propeller aperture shall be efficiently strengthened by fitting, either wood knees or iron knees to the satisfaction of the Inspector.
- DOVETAIL PLATES—Good dovetail plates to be fitted to keel and stem
- BOB-STAY PLATES—Bob-stay and fore-stay plates shall extend aft on main planking at least eighteen inches and shall have three bolts in each plate.
- IRON KNEES-Iron knees to be fitted at least four knees on each side of vessel. Three mast vessels to have six knees on each side, two opposite each rigging. The fastening in knees to be not less than seven-eights of an inch in diameter.
- WINDLASS-Each vessel shall be fitted with a good approved windlass, and windlass bitts rivetted and bolted through the beams.
- PUMPS—Each vessel shall be fitted with two pumps of an approved type. The diameter of the barrels to be four inches, and the tail piping to be three inches in diameter.
- EQUIPMENT—Each vessel shall be furnished with Lloyds test chain cables of suitable size and lengths, anchors, chain-plates, deadeyes, hawse-pipes, rigging. sails and spars, according to tonnage, all of which shall be new.

MOTOR ENGINES—Each vessel shall be fitted with a Motor Engine capable of developing one brake horse-power to each gross ton of the vessel. All the machinery shall be fitted to the satisfaction of the Inspector of Machinery. The size of propeller shafting, type of propeller, and the like requirements shall be subject to the approval of the Inspector of Machinery.

FUEL TANKS—Each vessel shall be fitted with oil fuel tanks of a capacity to carry at least two thousand Imperial gallons.

$CAP.\ LV.$

AN ACT RELATING TO CORPORATIONS AND INSTITUTIONS GUARANTEED OR SUBSIDIZED BY THE GOVERNMENT.

(Passed May 23, 1933)

SECTION

- Subsidized Institutions to appoint Government representatives to furnish accounts.
- 2.—Companies having guarantee from Government to appoint Government representatives.
- 3.—Companies to furnish accounts.
- 4.—Powers of Governor in Council where a guaran-

SECTION

- teed company has defaulted.
- 5.—Power of shareholders to choose Directors termina-
- 6.—Appointment of Directors by the Governor in Council.
- 7.—Publication of appointments.
- 8.—Application of Act.
- 9.—Repeal.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

- 1. Whenever any charitable institution or body, whether incorporated or otherwise, is in receipt of any subsidy or subvention from the Government it shall be a condition of the payment of such subsidy or subvention:
 - (a) That the said institution shall appoint to its board of directors or other governing, directive or managing body, by whatever name called and in whatever manner appointed, neminees of the Government in the proportion as nearly as may be of one to every two otherwise appointed. Every such institution shall be deemed to have power to appoint such Government nominees and they shall have the same rights and powers as other persons appointed to such governing, directive or managing body; any-

Subsidized Institutions to appoint Government representatives and to furnish accounts.

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- thing in the constitution of such institution to the contrary notwithstanding.
- (b) That the said institution or body shall furnish half yearly to the Controller of the Treasury a statement showing to his satisfaction the condition of its affairs and business and the man ner of the expenditure of its funds.

And the Controller of the Treasury may withhold payment of any part of the annual subsidy or subvention then remaining unpaid until such accounts and statements are furnished and until he is satisfied that Government representatives have been appointed as aforesaid.

2. Whenever under the provisions of any Act of the Companies Legislature the payment of the principal or interest of having guarthe stock or bonds of any company is guaranteed by the antee from Government or whenever any company receives from the to appoint Government any cash payment by way of subsidy, sub-Government vention or grant in aid otherwise than by way of payment tives. for services rendered or by way of bounty on goods, the company shall at the request of the Government appoint nominees of the Government to its board of directors or other governing, directing or managing body, by whatever name called and in whatever manner appointed, in the proportion as nearly as may be of one to every two otherwise appointed; and the company shall be deemed to have power so to appoint them; and in default of the company's so appointing them the Government may declare that they are so appointed and they shall thereupon be deemed to be so appointed and shall have all the rights and powers but none of the liabilities belonging to other directors or members of the governing, directive or managing body.

3. Every company having a guarantee from the Gov- Companies to ernment as aforesaid shall furnish to the Controller of the furnish Treasury annually a copy of its year's accounts properly accounts. andited.

Powers of Governor in Council where a guaranteed company has defaulted.

- 4. Whenever under the provisions of any Act of the Legislature payment of the capital stock of any company, or of interest on such stock, or of both, is guaranteed by the Government, and such company shall make default in the payment either of the said capital or of the said interest, or of any part of either, by reason whereof the Government shall be called upon to make good its guarantee in whole or in part, and whenever such company shall fail to fulfill its duties and obligations, it shall be lawful for the Governor in Council, at any time after such default or failure at which he may deem it expedient:
 - (a) To cause an investigation into the management and affairs of such company to be made by such persons and in such manner as he shall think most expedient; and thereafter, or, if he shall deem it advisable, without first causing such investigation to be held:—
 - (b) To supersede the appointment of any director or directors appointed by the Governor, and to annul and cancel the office of any director or directors chosen by the shareholders of any such company, and thenceforth to assume the direction and management, and to direct and manage the affairs and business of such company, and to assume, possess and exercie all and singular the powers and functions of the said directors appointed and chosen as aforesaid, as well for the imposition and collection of rates and assessments or other revenue of the same or any other kind and all matters incidental thereto as for all other purposes, as fully as the same were exercised by the said directors under the Act or instrument incorporating the company, and to impose collect any such further rates and assessments as may be necessary for the purposes of this Act.

- 5. In the event of the Governor in Council, in pur-power of suance of the power vested in him by the next preceding shareholders section of this Act, superseding and annulling the ap-Directors pointments and offices of any director or directors as terminated. aforesaid, the power vested in the shareholders of such company to choose directors shall thenceforth cease and determine.
- 6. It shall be lawful for the Governor in Council at Appointment any time to nominate and appoint a person or persons in of Directors by the Goverthe place of any director or directors whose appointment nor in Council. or office has been cancelled or superseded as aforesaid. The person or persons who may be appointed in pursuance of this section shall have and exercise all the power and authority which, by the Act or instrument incorporating the company have been or may be vested in the said directors, whether appointed by the Governor or chosen by the shareholders.
- 7. All appointments made and matters done in pur-Publication of suance of this Act shall be published in the Newfound-appointments. land Gazette.
- 8. This Act shall apply to companies, institutions or bodies heretofore as well as hereafter guaranteed in any Application of act. respect by the Government, or in receipt of any cash payment by way of subsidy or subvention from the Government.
- 9. Chapter 31 of the Consolidated Statutes (Third Series) entitled "Of Corporations, the Interest on Whose Repeal. Stock is Guaranteed by the Government" is hereby repealed.

CAP. LVI.

AN ACT FURTHER TO AMEND CHAPTER 35 OF THE CONSOLIDATED STATUTES (THIRD SER-IES) ENTITLED "OF THE POSTAL AND TELE-GRAPH SERVICES."

(Passed May 23, 1933)

SECTION

- 1.—Amendment of postage rates.
- 2.—Amendment regarding

SECTION

franking of letters.
3.—Amendment regarding newspaper, etc., postage.

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Amendment of 1. Section 20 of Chapter 35 of the Consolidated Statpostage rates utes (Third Series) entitled "Of the Postal and Telegraph Services" as re-enacted in the Act 22 George V.
(Second Session), Chapter 23, is hereby amended as follows:

- (1) By striking out paragraph (a) of sub-section (1) and substituting therefor the following:
 - (a) On letters posted within any town or settlement in the Dominion for delivery in the same town or settlement two cents for the first ounce weight and one cent for each additional ounce weight or fraction thereof.
- (2) By striking out paragraph (c) of sub-section (1) and substituting therefor the following:

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- (c) On letters posted within the Dominion for delivery in the British Empire or in the United States of America five cents for the first ounce weight and three cents for each additional ounce weight or fraction thereof.
- (3) By striking out paragraph (e) of sub-section (1) and substituting therefor the following:
- (e) On post cards posted in any town or settlement in the Dominion for delivery in the same town or settlement one cent. On post cards for delivery elsewhere within the Dominion two cents. On post cards for delivery outside the Dominion three cents.
- 2. Section 24 of the said Chapter as re-enacted in the said Act is hereby amended by striking out of sub-regarding section (1) thereof the words "Members of the House franking of of Assembly while the Legislature is in session," and by letters. adding at the end of the said section a new sub-section (4) as follows:

- (4) Letters only, pertaining to Electoral District matters only, sent by members of the House of Assembly, and franked with their initials.
- 3. Section 25 of the said Chapter as re-enacted in the said Act is hereby amended by striking out of sub-section Amendment (1) the words "one cent per pound weight," and substitu-regarding newspaper, ting therefor the words "six-tenths of a cent per pound etc., postage. weight calculated to the nearest cent and with a minimum of one cent."

CAP. LVII.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE CUSTOMS.

Passed May 18, 1933.

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- 10.—Report inwards by Master.
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Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

INTERPRETATION AND CONSTRUCTION.

- 1. In this Act or in any other laws relating to the Interpretation. Customs, unless the context otherwise requires—
 - (a) The expression "port" means a place where vessels may discharge or load cargo.
 - (b) The expression "port of entry" means a place, whether on the sea coast or in the interior, or on a frontier, appointed by the Governor in Council as a place where vessels or vehicles, including aircraft, may report and enter inwards and outwards.
 - (c) The expression "Collector" means the Collector of Customs at the port intended in the sentence, or any person lawfully deputed, appointed or authorized to do the duty of Collector thereat.
 - (d) The expression "officer" means an officer of the Customs.
 - 'e) The expression "vessel" means any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise, and includes aircraft where the context so admits.
 - (f) The expression "master" means the person having or taking charge of any vessel.
 - (g) The expression "owner," "importer" or "exporter" includes persons lawfully acting on their behalf.

- (h) The expression "goods" means goods, wares and merchandise, or moveable effects of any kind, and includes vessels, vehicles and animals
- (i) The expression "warehouse" means place, whether house, shed, yard, dock, pound, or other place, in which goods imported may be lodged, kept or secured without payment of duty.
- (j) The expression "Customs warehouse" includes sufferance warehouse, bonding warehouse and examining warehouse.
- (k) The expression "duty" or "duties" includes duties, special duties, import taxes and surtaxes.
- (1) The expression "oath" includes declaration and affirmation.
- (m) The use of the expression "seized and forfeited, "' "liable to forfeiture," or "subject to forfeiture," or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary but the forfeiture shall accrue at the time of and by the commission of the offence in respect of which the penalty or forfeiture is imposed.
- (ii) The expression "value" in respect to any penalty or forfeiture imposed by this Act, and based upon the value of any goods or articles, means the duty-paid value of such goods or articles at the time of the commis-

sion of the offence by which such penalty or forfeiture is incurred.

- (o) The expression "Court" means the Supreme Court of Newfoundland, except where the context otherwise requires.
- (p) The expression "Territorial Waters of Newfoundland" means the waters forming part of the territory of the Dominion of Newfoundland, and the waters adjacent to the Dominion, within three nautical miles thereof in the case of any vessel not registered in Newfoundland, and within twelve nautical miles thereof in the case of any vessel registered in Newfoundland.
- (q) The expression "Newfoundland" includes Labrador, wherever the context so admits.
- 2. All the expressions and provisions of this Act or Construction. of any such law, as aforesaid, shall receive such fair and liberal construction and interpretation as will best insure the protection of the revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit.
 - 3. (1) There shall be a Board of Customs, which Board of shall consist of the Deputy Minister of Customs. toms, or any Officer for the time being acting as such, who shall be the Chairman of the Board, and such other qualified officers of Customs as the Governor in Council from time to time appoints.
 - (2) The Board of Customs shall have such powers and perform such duties as are assigned to it by any Act of the Legislature or by the Governor in Council.

(3) Three members of the Board, of whom one member shall be either the Deputy Minister of Customs, or the officer for the time being acting as Deputy Minister of Customs, shall form a quorum, and be competent to transact the business of the Board at any meeting thereof, whether regular or special, called by the Chairman.

APPRAISERS.

Appraisers; appointment and oath of.

- 4. The Governor in Council may appoint appraisers to be called Newfoundland Customs' Appraisers, with jurisdiction at all ports and places in Newfoundland; and may also appoint Customs' Appraisers with jurisdiction at such ports and places in Newfoundland as are designated in the Order in Council in that behalf; and every such appraiser shall, before acting as such, take and subscribe the following oath of office before any collector or other person duly authorized to administer such oath:—
- I, A. B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of

(or as the case may be), do solemnly swear (or affirm) that I will faithfully perform the duties of the said office without partiality, fear, favour or affection, and that I will appraise the value of all goods submitted to my appraisement according to the true intent and meaning of the laws imposing duties of Customs in Newfoundland; and I will use my best endeavours to prevent all fraud, subterfuge, or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, ware or merchandise on which any duty is chargeable. So help me God.

A. B., Appraiser for
(as the case may be).
Sworn before me this day of , 19
(as the case may be).

If no appraiser is appointed for any port of entry. the collector there shall act as appraiser, but without taking any special oath of office as such.

5. The Minister of Finance and Customs may at any time direct any appraiser to attend at any port or Appraisers to attend at any place for the purpose of valuing any goods or of act-place as ing as appraiser there during any time, which such ap-required. praiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

6. The Governor in Council shall, from time to Regulations for time, establish such regulations, not inconsistent with appraisal. law, as are required to secure a just, faithful and impartial appraisal of all goods imported into Newfoundland, and just and proper entries of the value thereof. and of the weights, measures or other quantities thereof, as each case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law; and the appraisers of Newfoundland and every person who acts as such appraiser, or the Collector of Customs, as the case may be, shall by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true value and wholesale price (any invoice or affidavit thereto to the contrary notwithstanding), of the goods at the time of exportation, and in the principal markets of the country whence the same have been imported into Newfoundland, and the proper weights, measures or other quantities, and the true value or wholesale price of every one of them, as the case requires.

ENTRY INWARDS.

7. The Governor in Council may, by regulation Governor in from time to time, appoint the ports and places of Council to apentry for the purposes of this Act, and may in like entry. manner increase or diminish the number or alter the position or limits thereof.

All goods morted into Newfoundland, whether dutiable or not, shall be brought in at a port of entry ports of entry.

8. All goods imported into Newfoundland, whether dutiable or not, shall be brought in at a port of entry established.

Boarding of vessels before arrival.

9. In the case of every vessel bound for any seaport or place in Newfoundland from any port out of Newfoundland, the collector or proper officer of such port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom House on arrival; and such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards for comparison with that to be presented by the master or purser in person.

Report inwards by Master.

10. The master of every vessel coming from any port or place out of Newfoundland, or coastwise, and entering any port in Newfoundland, whether laden or n ballast, shall go without delay, when such vessel is anchored or moored, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating ner name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number, names and additions of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every packege and parcel of goods on board, and of the sorts of goods and the different kinds of each sort contained therein, and where the same was laden, and

the particulars of any goods stowed loose, and where and to whom consigned, and where any, and what goods, if any, have been laden or unladen, or bulk has been broken during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in Newfoundland, and what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board, as far as any of such particulars are or can be known to him. The report as to passengers shall be in the form of Schedule A to this Act.

11. The master shall, at the time of making his report, if required by the officer of Customs, produce to reporting inhim the certificate of registry of his vessel, the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report.

Procedure on

12. If the contents of any package intended for Opening of importation into another port, or for exportation, are contents are unknown to the master, the proper officer may open unknown to and examine it, and cause it for that purpose to be the Master. landed if he sees fit.

13. If any goods are brought in any vessel from Goods to be any place out of Newfoundland to any port of entry entered at therein, and not landed, but it is intended to convey at which they such goods to some other port in Newfoundland in the are to be same vessel, there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they

shall be conveyed accordingly under such regulations, and with such security or precautions for compliance with the requirements of this Act as the Governor in Council from time to time directs.

Goods to be entered withinplace out of Newfoundland, shall, within three days three days.

14. Every importer of goods by sea, or from any entered withinplace out of Newfoundland, shall, within three days three days.

after the arrival of the importing vessel, make due entry inwards of such goods and land the same.

Invoices.

15. The person entering any goods inwards shall deliver to the Collector, or other proper officer, an invoice of such goods, showing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported, and the bill of entry thereof, in such form as is appointed by the Governor in Council, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, the name of the vessel and of the master, and of the place to which bound, and of the place within the port where the goods are to be unladen, the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture, and the value of such goods. Unless the goods are to be warehoused in the manner by this Act provided, the importer shall at the same time pay down or cause to be paid down, or otherwise secure all duties upon all goods entered inwards, and the said shall thereupon grant his warrant for the unlading of such goods further into Newfoundland if so required by the importer.

Disposition of goods in de
16. In default of such entry and landing or prodefault of duction of the goods or payment of duty, the officer of proper entry, landing, etc.

Customs may convey the goods to a Customs warehouse,

or some secure place appointed by the Collector for such purpose, there to be kept at the risk and charge of the owner; and if such goods are not duly entered within one month from the date of their being so conveyed to the Customs warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder and the proceeds thereof shall be applied, first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent: Provided always, that if the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption or the charges if offered for sale for exportation, such goods shall not be sold but shall be destroyed or exported from Newfoundland.

17. The quantity and value of any goods shall always be stated in the bill of entry thereof, although value always such goods are not subject to duty, and the invoice to be stated in thereof shall be produced to the Collector.

bill of entry.

18. If the importer of any goods whereon an ad Bills of sight. valorem duty is imposed or the person authorized to make the declaration required with regard to such goods, makes and subscribes declaration before the Collector or other proper officer, that he cannot, for want of full invoice, make perfect entry thereof, and takes the oath in such cases provided, then the collector or officer may cause such goods to be landed on a Bill of Sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the collector or other proper officer, or of such other office as is appointed by the said collector or other proper officer, and to be delivered to such per-

son, on his depositing in the hand of the collector or officer a sum of money sufficient in the judgment of the collector or officers to pay the duties thereon.

Procedure on plete entry.

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19. If the importer does not complete a perfect entry failure to com-within the time appointed by the collector the moneys so deposited shall be taken and held on account of duty accruing on such goods and shall be dealt with and accounted for accordingly: Provided that in all cases where such goods are purchased or consigned a sufficient invoice thereof as provided in Section 15 hereof, shall be produced within the said time appointed by the collector; and, without prejudice to any other procedure after recovering the penalty for failure so to do, any goods afterwards exported or imported by said importer shall be subject to a lien for such penalty and may be withheld from delivery by Customs until such penalty is paid.

Invoice at-

20. With the bill of entry of any goods there shall tested on oath to be furnished, be produced and delivered to and left with the collector an invoice of the goods, as provided in section 15, attested by the oath of the owner, and if the owner is not the person entering such goods, then verified by the oath of the importer or consignee, or (subject to the provisions hereinafter made) other person who may lawfully make such entry and verify such invoice in the form or to the effect of the oath or oaths prescribed by the Governor in Council in that behalf, which oath or oaths shall be written or printed, or partly written and partly printed, on such invoice or on the bill of entry, as the case may be, or shall be annexed thereto. and shall in either case distinctly refer to such invoice. so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the person making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein men-

tioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf.

21. If there be more than one owner, importer or Joint owners, consignee of any goods, any one of them cognizant of etc.; any may the facts may take the oath required by this Act; and such oath shall be sufficient, unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of Newfoundland, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner, or one of them, if there are more than one cognizant of the facts, shall be requisite to the due attestation of the invoice.

take oath.

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22. The invoice of any goods, produced and deliv- Addition atered to the collector, with the bill of entry thereof, testation of shall, if required by the collector, be attested by the oath of the owner, or one of the owners of such goods. and shall also be verified by the oath of the importer or consignee, or other person who may under this Act lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods and shall also, if required by the collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners is the person entering the goods and verifying the invoices on oath.

23. If the owner, importer or consignee of any Oaths of exgoods is dead, or a bankrupt or insolvent, or if for any ecutors, admincause his personal estate is being administered by an- istrators, etc. other person, his executor, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which

such owner, importer or consignee might otherwise have taken or made.

Oaths by perowner, importbe recognized by declaration

24. No person other than the owner, consignee or sons other than importer of the goods of which entry is to be made, er, etc., must shall be allowed to take any oath connected with the entry, unless there is attached to the bill of entry thereby owner, etc. in referred to a declaration by the owner, consignee or importer of the said goods, or his attorney and agent, duly appointed to transact business with the collector pursuant to the provision in that behalf of this Act, to the same effect as the oath, distinctly referring to the invoice presented with such bill of entry and signed by such owner, importer or consignee, or by his attorney and agent, appointed as aforesaid, either in the presence of the agent making the entry, or of a justice of the peace or notary public, who shall attest the signature.

Declaration to be filed; may cases.

25. Such declaration shall be kept by the collector; and if there is any wilfully false statement in such dene dispensed with in certain claration the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, when it is deemed advisable in the interests of commerce to dispense therewith.

Invoices to be secrecy of invoices.

26. The collectors of Customs at all ports in Newfiled; certified foundland shall retain and put on file, after duly stampcopies; fee for; ing the same, all invoices of goods imported at such ports respectively, of which invoices they shall certified copies or extracts, whenever called upon so to do by the importers, and such copies or extracts so duly certified by the collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received in all Courts of Justice as prima facie evidence of the contents thereof; and the collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same; but in no case shall an invoice be shown to or a copy thereof given to any person other than the said importer or an officer of Customs, except upon the order or subpæna of a Court of Justice.

27. No goods shall be imported into Newfoundland Goods importas being imported from places beyond the seas, if any ed from beyond advantage attach to such a distinction, unless such seas; proof as to. goods appear by the docket, clearance, or other proper document for the same, to have been duly shipped and cleared outwards for exportation.

28. Any package of which the importer or his Opening of agent declares the contents to be unknown to him, may contents unbe opened and examined by the collector or other known. proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking and all cost of carriage of the same.

29. The collector or other proper officer may Opening of cause at least one package in every invoice or entry some packages and at least one package in ten if there are more than in every invoice. ten in any invoice or entry, and so many more as he deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised—the packages so to be opened being designated by the collector or other proper officer.

30. All the packages mentioned in any one entry, to be opened although some of such packages have been delivered by importer to the importer, or some one on his behalf, shall be sub-before examination.

ject to the control of the Customs authorities port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined passed as aforesaid: Provided always, that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse.

Return for packages declared unexamined.

31. Any package delivered without examination, examination of or the goods, if lawfully unpacked, shall, if required by the collector of Customs of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery, and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved.

Further proof as to nature of goods.

32. The collector may require from the importer or from his agent or from the consignee or his agent of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices or bills of lading or otherwise, that such goods are properly described and rated for duty, or come properly within the meaning of such exemptions.

Goods entered passing to another port of entry, or in transit.

33. Upon the entry at any Customs port, under the authority and with the sanction of the Collector other proper officer of Customs at such port, and subject to such rules and regulations as are or may be made in that behalf under the authority of this Act. the importer may pass the goods on to any Customs' port in any other part of Newfoundland, or in transit through Newfoundland by way of any Customs' port of entry in Newfoundland, and he shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act, and of any rules and regulations, under a penalty equal to double the amount of the duty to which such goods are at the time subject; which penalty shall accrue on the commission of any act contrary to this Act, or to any rules or regulations, or on the omission to perform any act required to be performed in respect to such goods, in addition to any other penalties and forfeitures provided for by this Act, irrespective of the liability of the carrier under any bond or otherwise. To any goods so entered for transportation there shall, until such transportation is completed, or while such goods are in Newfoundland or upon such goods being diverted from the designated route of transportation or transit. wherever or in whatsoever possession found, attach the Customs' claim for the payment of such double duty. which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.

REMOVAL FROM ONE PORT OF ENTRY TO ANOTHER.

34. When any person has occasion to remove from any port of entry to any other port or place any goods Removal from one port of duly entered, and on which the duties imposed by law entry to have been paid, the collector or principal officer of the another. Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained,

with their marks and numbers, shall give a permit or certificate in writing signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

WAREHOUSING.

Warehousing ports and warehouses,

35. The Governor in Council may constitute port in this Dominion a warehousing port for the purposes of this Act, and the Minister of Finance Customs, the deputy minister or the collector of any port so constituted may, by notice in writing under his hand, appoint from time to time such warehouses at such ports as shall be approved by him for warehousing and securing of goods therein, and also in such notice declare what sort of goods may be so warehoused, and also by like notice revoke or alter any such appointment or declaration: Provided that every such notice shall be first transmitted to the Secretary of State and be published in such manner as the Governor in Council shall direct.

Goods may be warehoused

36. The importer of any such goods into the said ports may warehouse the same in the warehouses without pay- constituted or appointed without payment of duty. on the first entry thereof, subject nevertheless to the rules, regulations- restrictions and conditions hereinafter contained.

Control of

37. All goods so warehoused shall be stowed in such parts or divisions of the warehouse and in such manner as the collector as aforesaid shall direct; and the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times.

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and in the presence of such officers, and under such rules and regulations as the collector shall direct, and all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried and shipped under such rules and regulations as the collector of the port shall direct.

38. (1) Upon the entry of any goods to be ware-Bond for duty housed, the importer of such goods, instead goods; how of paying, or otherwise securing the duties duty paid. payable thereon, shall give bond, (in form prescribed by the Governor in Council), with two sureties, to be approved of by the collector of the port, in treble the duties payable on such goods, with condition the safe depositing of such goods in warehouse mentioned in such entry, and for the payment of all duties payable upon such goods, or for the exportation thereof, according to the first account taken of such goods upon the landing of the same: and with further conditions that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon the entry for exportation; and with the further condition that the whole of such goods shall be so cleared from such warehouse and the duties upon any deficiencies of the quantity, according to the first account, shall be paid within two years from the day of the first entry thereof; and if, after such bond shall have been given, the goods, or any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested in or have any control over the same, the collector shall direct fresh security to be given by the bond (in the form

prescribed by the Governor in Council), with sureties, by the new proprietor or other person having control over such goods. and cancel the bond given by the original bonder of such goods or exonerate him to the extent of the fresh security given.

- (2) Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused: Provided that an allowance not exceeding two per cent. per annum, nor exceeding eight per cent. in the whole in any case, may be made for deficiencies in measurement of liquids arising from evaporation or other natural causes, after liquids have been entered for warehouse, and prior to the ex-warehousing thereof, under regulations of the Governor in Conneil.
- (3) All goods taken out of warehouse shall be subject to the duties to which they would be subject if then imported into Newfoundland, and not to any other.

39. Upon the entry and landing of any goods to be Accounting for warehoused the proper officer shall take a particular goods warehoused. account of the same and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and under the care of the proper officer, for exportation, or, upon the due entry and payment of duty, for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out

of the quantity upon which duties have been paid and of the quantity exported, and of the quantity to be then ascertained of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any original package, if any, which may have been abandoned for duties, and if, upon such account, there shall, in either case, appear to be any deficiency of the original quantity the duty payable upon the amount of such deficiency shall then be paid.

40. The collector of the port may, under such regulations as he shall see fit, permit moderate samples to samples, takbe taken, without entry of goods so warehoused and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

41. The unshipping, landing and carrying of all goods, wares and merchandize, and bringing them to Handling in the proper place for examination and weighing, put- be at cost of ting them into scales, opening, unpacking, repacking, importer. bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary permitted, and removing to, and placing them in a proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

42. No goods, wares or merchandize, entered to be warehoused, shall be unshipped from any ship or be Hours of landed or put on shore on Sundays or holidays, without special permission of the collector; nor shall they be so unshipped, landed or put on shore on any other day except betwen the hours of eight in the morning and four in the afternoon, or during such other hours as may be appointed by the Minister of Finance and Customs, nor shall any such goods, wares or merchandise be unshipped or landed unless with the authority of

warehousing.

the proper officer of Customs; nor shall they be landed except at such wharf or place appointed for the landing of such goods, wares or merchandise.

Entry out of warehouse.

43. If, after any goods, wares or merchandize shall be duly entered and landed to be warehoused though not actually deposited in the warehouse, the importer shall further duly enter the same, or any part thereof. for home use or exportation, the same may be taken out for home use or exportation, as the case may be.

Transfer of warehoused goods.

44. The property of and in any or more parcels of any goods, wares or merchandize warehoused shall be transferable from party to party on a transfer note, signed by the parties, or a written contract of sale, made, executed and delivered by a broker or other person legally authorized for or on behalf of the parties respectively: Provided that a transfer of such goods, wares or merchandise, according to such sale, shall have been entered in the warehouse register or book kept for that purpose by the proper officer of Customs, who is hereby required to enter such transfer, with the date thereof, upon the application of the owner of such goods, wares or merchandise. Such transfer or sale shall be of whole packages only and the party being the proprietor of such goods, wares or merchandise for the time being, shall be deemed to be the importer thereof for the purposes of this Act or any Act of the Legislature relating to the management and collection of the duties of importation.

Warehoused goods to be two years.

- 45. (1) All warehoused goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof.
 - (2) If the goods are not so cleared the collector or other proper officer may sell them for the pay-

ment, first of the duties, and secondly of the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner or his lawful agent.

- (3) The collector or other proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulations made by the Governor in Council in that behalf.
- 46. The collector may, if he sees no reason to refuse Disposition of such permission, permit an importer to abandon to the goods not Crown any whole package or packages of warehoused two years. goods, without being liable to pay any duty on the same; and the same shall then be sold and the proceeds shall belong to the Crown.
- 47. With the sanction of the collector and after such Sorting, renotice given by the respective importers or proprietors, in warehouse. and at such times and under such regulations and restrictions as the said collector shall from time to time require and direct, it shall be lawful, in the warehouse, to sort, separate, pack and repack any goods, wares or merchandise, and to make such alteration therein as may be necessary for the preservation, sale, shipment or disposal thereof: Provided that such goods, wares or mechandise be repacked in the packages in which they were imported, or in such other packages as the said collector shall permit; and after such goods, wares or merchandise have been so separated and re-packed in proper or approved packages, the collector may, at the request of the importer or proprietor of such goods, wares or merchandise, cause or permit any refuse, damaged or surplus goods, wares or merchandise, occasioned by such separation, or re-packing, which may not be worth the duty, to be destroyed, and may remit the duty payable thereon; and also permit any packages of sugar and molasses or other goods, wares or

merchandise, in casks, to be taken out of the warehouse without payment of duty for the purpose of being repaired or trimmed, or such other purpose as to the collector may appear expedient, and in such quantities and under such regulations and restrictions, and with such security, by bond for the return thereof, or the payment of the duties payable thereon as the collector may direct or require: Provided that the goods, wares or merchandise taken out of the warehouse for this purpose shall not be deemed goods, wares or merchandise duly cleared and delivered.

Damage in warehouse, compensation, for.

48. No compensation shall be made by Customs officers to the importer, proprietor or consignee of any goods, wares or merchandise by reason of any damage occasioned thereto in the warehouse except by their wilful act or default.

Removal of warehoused goods.

49. Any goods, wares or merchandise, warehoused at any port in Newfoundland, may be removed by sea or inland carriage to any other port of entry therein, and be re-warehoused or entered for duty at such port, or, with the permission of the proper officer of Customs, removed from any warehouse in any port to any other warehouse in the same port, under such regulations as may be directed by the Minister of Finance and Customs ,and with security, by bond (in the form prescribed by the Governor-in-Council) in treble the amount of duties of importation, on the delivery to the proper officer by the person requiring such removal, of an entry stating the particulars of the goods, wares and merchandise required to be removed, the name of the port, or of the warehouse, of the same port, to which the same are intended to be removed, and with such other information, and in such manner and form, as the Minister of Finance and Customs may direct or require.

Account and bond in case of removal.

50. On delivery of any goods, wares or merchandise

for removal, an account containing the particulars thereof shall be transmitted by the proper officers of the port of removal to the proper officers of the port of destination, and the person requiring the removal shall enter into bond (in the form prescribed by the Governor in Council) with two sureties in treble the amount of duties payable on such goods, wares or merchandise, for the due arrival and rewarehousing or entry for duty thereof at the port of destination within such time as the collector may direct; and such bond shall not be discharged unless such goods, wares or merchandise shall have been produced to the proper officer, and duly re-warehoused or entered for duty at the port of destination within the time allowed for such removal, nor until the full duties payable on any deficiency of such goods, wares or merchandise, not so accounted for, shall have been paid.

51. Upon the arrival of such goods, wares and merchandise at the port or place of destination, the same Rewarehousing at destination. shall be entered for duty or warehoused in the same manner, and under and subject to the same laws, rules and regulations, as far as the same can be made applicable, as are required on the entry for duty or warehousing goods, wares and merchandise on the first importation thereof.

- 52. Goods warehoused shall be liable for freight as Goods warehoused liable if on shipboard. for freight.
- 53. It shall not be lawful for any importer of dried warehousing fish, other than fish of British catch and cure, to ware- of dried fish. house the same in any of the ports of Newfoundland without the payment of the duty of two dollars on every quintal so warehoused, and the provisions of any Act of Newfoundland with regard to the warehousing of goods on the first entry thereof, or to the allowance of drawbacks upon exportation shall not in either case apply or be construed to apply to such fish.

WHARFAGE IN CERTAIN SUFFERANCE WAREHOUSES

Wharfage in sufferance warehouses at St. John's.

54. It shall be lawful for the owners of a steamer premises which is also a sufferance warehouse, situate in the Port of St. John's, upon or over which goods are discharged from any ship arriving from any foreign port, to charge wharfage upon said goods at current rates, when the port of St. John's is their final destination under the contract of carriage.

LANDING OF GOODS BEFORE REPORT

Fish, bullion and wrecked goods may be landed before report. 55. Fresh fish, of British catch, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they are duly reported and entered as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or receiver of wreck or other person authorized to act as such receiver.

Live stock or perishable articles may be landed before report. 56. If a vessel which has live stock or perishable articles on board arrives after business hours, the collector at the port may permit the master to unlade the same before report; and report shall in such case be made as soon as possible after the next opening of the Customs' office.

Sufferance warehouses.

57. (1) The Governor in Council may make such regulations as are deemed advisable for the appointment and regulation of warehouses, wharves and other places at which goods arriving by vessel or railway may be landed and stored before entry thereof. Goods so deposited therein shall be deemed to be on board the importing vessel or railway, and shall be subject to the same regulations, penalties and forfeitures as if they had not been taken thereout.

- (2) Such goods shall be duly reported to the collector or other proper officer before being landed, and the collector's warrant for such landing obtained. Such goods after being landed shall be dealt with by the proper officer of the Customs according to law.
- (3) Entry of such goods shall be made and any duty thereon paid or otherwise provided for, and the goods removed, within eight days after the report thereof has been made, and if within the said eight days such entry be not made, or such duty paid, or provided for, or if the goods be not removed, the collector may cause the said goods to be conveyed to and stored in a place appointed for that purpose.
- (4) If such goods be not removed within the eight days aforesaid, the owner or agent of the carrying vessel or railway, or a person duly authorized in writing on his behalf, may make complaint on oath to the collector that the goods are causing inconvenience or are likely to cause inconvenience, and if either be the case, and no physical cause prevents removal, or renders it unduly difficult or expensive, the collector shall, after notice to the owner of the goods, cause the said goods to be conveyed to and stored in a place appointed for that purpose.
- (5) Warehouse rent may be charged on goods re moved from a sufferance warehouse to any other place as provided herein, and such rent and the costs of removal shall constitute a lien on such goods.
- (6) If proper entry be not made, or if the duty be not paid or provided for, or if the costs of re-

moval be not paid, before the expiration of one month from the day when such goods were reported, the collector shall cause the goods to be sold at public auction and from the proceeds thereof shall pay duty, warehouse rent, and removal charges, and secondly the freight charges due to the carrier of the goods, and the surplus if any, shall be paid to the owner of the goods.

- (7) If it shall appear that the person duly entitled to remove goods from a sufferance warehouse has been ready and willing to remove the goods, and has been prevented by reason of the congestion of goods in such warehouse, or from any other cause attributable to the owner or agent of the carrying vessel or railway, the person paying the warehouse rent and removal charges under the provisions aforesaid, may recover the amount thereof in an action against such owner or agent.
- (8) Nothing done under this section shall affect any contract, expressed or implied, between any carrier and the owner, shipper or consignce of any goods, or the rights or liabilities of any person under such contract, or any contract of insurance.
- (9) The carrier shall have the same lien on the goods removed under sub-sections (4) and (5) hereof for freight or other charges as if the same had not been deposited in the sufferance warehouse or subsequently removed.

CUSTOMS DUTIES; GENERAL

Duties constitute a debt due Crown

58. The true amount of Customs duties payable to His Majesty with respect to goods imported into Newfound-

land or exported therefrom, shall from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of importation or exportation thereof, and from the importer or exporter thereof as the case may be and such debt may at any time be recovered with full costs of suit in any Court of competent jurisdiction and any goods afterwards imported or exported by said owner shall be subject to a lien for such debt and may be withheld from delivery by Customs until such debt is paid.

59. Whenever duties are imposed according to any specific quantity or to any specific value, the same shall be Duties on fractions of deemed to apply in the same proportion to any greater or specified quanless quantity or value, and to any fractional part of such tities. specific quantity.

60. Whenever duties are charged according to the Allowances for weight, tare, gauge or measure, such allowances shall be tare and draft. made for tare and draft upon the package as are prescribed by regulations made by the Governor-in-Council.

61. On each and every non-enumerated article which Non-enumerabears a similitude either in material or quality or in the ted articles, use to which it may be applied, to any enumerated article duty on. chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned.

62. If any non-enumerated article equally resembles two Duty where or more enumerated articles in which different rates of ted article reduty are chargeable, the duty on such non-enumerated ar-sembles two ticle shall be the same as that on the enumerated article, umerated artiwhich it resembles, paying the highest duty.

cles.

63. On all articles manufactured from two or more cle made of materials, if there be a difference of duty by reason of the materials.

Duty on arti-

material, duty shall be charged as if the article were made entirely of the material in respect of which the highest duty is chargeable.

Duty on article coming within two or tions.

64. If any article is enumerated in the tariff under two or more names or descriptions, and there is a differmore descript ence of duty, the highest duty provided shall be charged

Spirits, duties on certain.

65. Spirits and strong waters, from whatsoever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

Derelict, flotwreck, duties on.

66. Goods dereliet, flotsam, jetsam or wreck, or landed sam, jetsam or or saved from any vessel wrecked, stranded or lost, brought or coming into Newfoundland, shall be subject to the same duties and regulations as goods of the like kind imported are subject to.

Sale of derelict, etc., if duties not paid.

67. If the duties on goods referred to in the next preceding section are not paid within twelve months from the time when the same were delivered to the proper officer, as hereinafter mentioned, the same may be sold in like manner and for the same purpose as goods imported may, in such default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.

Samples may he taken by officers.

68. The proper oncer may take such samples of goods as shall be necessary for ascertaining the amount of any duties payable on the same and all such samples shall be disposed of and accounted for in such manner as the Minister of Finance and Customs shall direct.

Board of Customs may declare rate of duty in case of doubt.

VALUATION FOR DUTY

69. (1) Whenever any difference arises or whenever any doubt exists as to whether any or what

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rate of duty is payable on any class of goods, and there is no previous decision upon the question by any competent authority, binding throughout Newfoundland, the Board of Customs may declare the rate of duty payable on the class of goods in question, or that such goods are exempt from duty, subject in each case to an appeal, by any person interested, to the Governor in Council; and any such declaration of the Board of Customs or any such declaration when made by any Order in Council upon appeal shall have force and effect as if the same had been sanctioned by statute.

- (2) Such declaration or Order in Council may state a day upon which it is to come into effect, and shall in that case only have effect upon and after the day so named: Provided that no such declaration or Order in Council shall be deemed to affect the liability for duty of, or the rate of duty applicable to, any goods imported previous to the time when it comes into effect.
- (3) Every Order in Council made under this section shall be published in the Newfoundland Gazette.
- 70. (1) All invoices of goods shall be made out in the Invoices in currency of the country whence the goods are what currency imported, and shall contain a true statement made out; conof the value of such goods.

rencies into Newfoundland currency.

(2) In computing the value for duty of such goods the said currency shall be converted into Newfoundland funds at such rate of exchange, if any, as has been ordered and proclaimed from time to time by the Governor in Council, who is hereby empowered to make such orders, and to vary the same from time to time as often as he may think fit.

(3) Whenever the rate of exchange of a currency has not been proclaimed and there is no fixed standard value or from any cause the value of a currency has become depreciated or appreciated, there shall be attached to the invoice the certificate of some British Consul resident in such place or country, or the certificate of a Bank in such country, showing the extent of such depreciation or appreciation or the true value at the time of the exportation of the goods of the currency in which such invoice is made out as compared with the standard dollar in Newfoundland; provided that the collector may in his discretion accept instead of the certificate of a Bank in such country the certificate of a Bank in Newfoundland setting forth the rate of exchange current at the time when and places whence the goods were exported to Newfoundland.

Current domestic value of value by Governor in Council in certain cases.

71. Whenever any duty ad valorem is imposed on any shall be value goods imported into Newfoundland, the value for duty for duty; fixing shall be the current domestic value thereof in the principal markets of the country whence and at the time when the same were exported directly to Newfoundland; provided that if at any time it appears to the Governor in Council on a report from the Minister that goods of any kind are being imported into Newfoundland, either on sale or on consignment, under such conditions or at such prices or values as prejudicially or injuriously to affect the interests of producers or manufacturers in the British Empire, including producers or manufacturers in Newfoundland, the Governor in Council may by general regulation authorize the Minister to fix the value for duty of any class or kind of such goods, and may, as often as he may see fit, alter, amend, vary or rescind such regulation, and in any such case notwithstanding any other provision of this Act the value so fixed shall be deemed to be the current domestic value of such goods.

- 72. (1) The current domestic value shall, except in Meaning of cases where the same shall have been fixed by current domes-the Minister under the next proceding costing social the Minister under the next preceding section, counts, conbe the current domestic value of such goods tainers, profits, etc. in the usual and ordinary commercial acceptation of the term: Provided that a discount for eash shall in no case be allowed for duty purposes.

 - (2) Whenever the current domestic value of goods cannot be otherwise ascertained, the cost of production of the said goods shall be held to be the value for duty ascertained as follows:
 - (a) The sum of the cost of materials of and of fabrication, manipulation, or other process employed in manufacturing or producing such or similar merchandise, at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business; and
 - (b) The usual general expenses (not less than 10 per cent, of such cost) in the case of such or similar merchandise; and
 - (c) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses, incident to placing the

particular merchandise under consideration in condition, packed ready for shipment to Newfoundland; and

(d) An addition for profit of an amount not less in any case than 8 per cent. of the sum of the amounts found under the above sub-clauses (a) and (b) of this sub-section (2) equal to the profit which ordinarily is added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of merchandise of the same class or kind.

Discounts may be fixed by Governor in Council in certain cases.

73. In determining the current domestic value for duty of goods imported into Newfoundland, the prices of which are published or listed by the manufacturers or producers, or persons acting on their behalf, the Governor in Council may from time to time fix and determine a certain rate of discount which may be applied to such published or listed prices, and such published or listed prices, subject to deduction of the amount of discount according to such rate shall be deemed and taken to be the current domestic values of any such manufactures or productions respectively as are specified in such Order in Council.

Determination of dutiable value.

74. (1) In determining the dutiable value of goods except when imported from any country as to which the Governor in Council may from time to time direct that this section shall not apply there shall be added to the cost, or the actual wholesale price, or current domestic value, at the time of exportation, in the principal markets of the country from

whence the same have been imported into Newfoundland, the cost of inland transportation, shipment and transhipment, with all the expenses included, from the place of growth, production or manufacture, whether by land or water, to the vessel, in which shipment is made, either in transitu or direct to Newfoundland, subject to such regulations as are made by the Governor in Council: Provided, that in case of any dispute respecting the proper amount of such inland transportation charges, the Minister of Finance and Customs may determine the same and his decision shall be final in that respect.

- (2) The Governor in Council may provide that, in the cases and on the conditions to be mentioned in the Order in Council, goods bona fide exported to Newfoundland from any country, but passing in transitu through another country, shall be valued for duty as if they were imported directly from such first mentioned country.
- 3. Goods that have been entered for consumption or for warehouse, or that have been permitted to remain unclaimed, or that have been permitted to remain for any purpose in any country intermediate between the country of export and Newfoundland, shall not, unless the Governor in Council shall otherwise direct, be considered as in transitu through such intermediate country, but shall be treated as goods imported from such intermediate country and be valued and rated for duty accordingly.
- (4) When any manufactured article is imported

into Newfoundland in separate parts, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation, and when the duty chargeable thereon is specific, or specific and ad valorem, an average rate of ad valorem duty, equal to the specific or specific and ad valorem duty so chargeable, shall be ascertained and charged upon such parts of the manufactured article.

Allowance for certain draw-backs.

75. The current domestic value of goods shall be taken to include the amount of any drawback which has been allowed by the government of any other country; and in cases where the amount of such drawback has been deducted from the value of such goods, upon the face of the invoice under which entry is to be made, or is not shown thereupon, the collector of Customs or proper officer shall add the amount of such deduction or drawback, and collect and cause to be paid the lawful duty thereon.

Deductions not permitted; determination of duty in certain special cases. 76. (1) No deduction of any kind shall be allowed from the value of any goods imported into Newfoundland because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or to the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights, but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained; provided that nothing herein shall be understood to apply to general fluctuations of market values.

- (2) Whenever goods are imported into Newfoundland under such circumstances or conditions as to render it difficult to determine the value thereof for duty, either because such goods are not sold for use or consumption in the country of production, or because a lease of such goods or the right of using the same is sold or given, but not the right of property therein, or because such goods having a royalty imposed thereon, the royalty is uncertain or is not from other causes a reliable means of estimating the value of the goods, or because such goods are usually or exclusively sold by or to agents or by subscription, or are sold or imported in or under any other unusual or peculiar manner or conditions, of all which matters the Minister of Finance and Customs shall be sole judge, the Minister of Finance and Customs may determine the value for duty of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.
- 77. No deduction from the value of goods contain- Deduction for ed in any invoice shall be allowed on account of the cost of packassumed value of any package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made the Customs' officer shall see that the charge is fair and reasonable, and represents no more than the original cost thereof.

78. No deduction from the value of goods in any Deduction for invoice shall be made on account of charges for pack- packing and packing maing, or for straw, twine, cord, paper, cording, wiring or terial not cutting, or for any expense incurred or said to have allowed.

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been incurred in the preparation and packing of goods for shipment, and all such charges and expenses shall in all cases be included as part of the value for duty.

RE-APPRAISAL.

Re-appraisal.

79. If, upon any entry or in connection with any entry, it appears to the Board of Customs or any Newfoundland Customs appraiser that any goods have been erroneously appraised or allowed entry at an erroneous valuation by any appraiser or collector acting as such. or that any of the provisions of this Act respecting the value at which goods should be entered for duty have not been complied with, the Board of Customs or such appraiser may order or make a fresh appraisement or valuation and may direct, under the fresh valuation or appraisement so made, an amended entry and the payment of the additional duty, if any, on such goods or a refund of a part of the duty paid, as the case requires.

Re-appraisal by Board of three appraisers.

- 80. (1) If the importer, owner, consignee or agent, having complied with the requirements this Act, is dissatisfied with either first appraisement or a fresh appraisement made by the appraiser hereinbefore mentioned of any such goods, he may within three days give notice in writing to the collector of such dissatisfaction; on the receipt of such notice the collector shall at once notify such importer, owner, consignee or agent to select one disinterested and experienced person familiar with the character and the value of the goods in question, and the collector shall select a second person of similar knowledge and notify such importer, owner, consignee or agent of such appointment.
 - selected together with a (2) The persons so

third selected by the Minister of Customs from among the members of the Board of Customs shall examine and appraise the goods in accordance with the provisions of this Act and the decision of such persons or of the majority of them if they are not unanimous shall be final and conclusive and the duty shall be levied and collected acaccordingly.

- (3) Such decision shall in no way apply to any case except that submitted for the consideration of the three persons hereinbefore mentioned.
- (4) The persons so selected under this section shall take an oath before a collector of Customs or a Justice of the Peace to act with out fear, favour or partiality and to appraise the goods with reference to which they are called upon to act in accordance with law.

81. In the alternative the importer, owner, con-Re-appraisal signee or agent, dissatisfied as aforesaid, may request by Officer of that the appraiser or any collector acting as such or Customs. any other appraiser thereto appointed by the collector or assistant collector of Customs do take further evidence in the matter and thereupon such appraiser or collector may call before him and examine upon oath any owner, importer, consignee or other person as in his discretion he may deem fit, touching any matter or thing which such appraiser or collector may deem material in ascertaining the true value of any goods imported and may require the production on oath of any letters, accounts, invoices or other papers or account books relating to the same in the possession of such owner, importer, consignee or other person and the appraiser or collector may then make an appraisement

which shall be final and conclusive or may in his discretion decide that the matter ought to be referred to a board of three persons as provided in Section 80; provided, however, that an importer, owner, consignee or agent who has elected for the processes of reappraisement provided by this Section shall not thereafter have the right to have recourse to the method of reappraisement provided in Section 80.

Testimony to 82. All depositions or testimony in writing taken be left on file under either of the two sections next preceding shall be filed in the office of the collector at the place where the same are made or taken, there to remain for future use or reference.

Fee of special 83. The three persons appointed to appraise under appraisers. Sections 80 or 81 shall each be entitled to the sum of five dollars, which shall be paid by the persons dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands and charged in his accounts.

GOODS EXEMPT FROM DUTY.

Goods exempt from duty, chargeable in case of sale. 84. All goods exempt from duty as being imported or taken out of warehouse for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes; and if such duties are not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

85. Goods claimed to be exempt from duty under Goods exempt any Act relating to duties of Customs shall, in the entry ed in words thereof, be described and set forth in the words by of exempting which they are described to be free in the Act.

86. The Governor in Council may interpret, limit Governor in or extend the meaning of the conditions upon which it Council may is provided in any Act imposing duties of Customs that free entry any article may be imported free of duty for special privileges. purposes or for particular objects or interests; may make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any case, or the remission thereof by way of drawback if such duty has been paid.

GOODS LANDED OR SOLD FOR REPAIRS TO VESSELS.

87. If any vessel which has received damage puts Goods landed into any port or place in Newfoundland to which she is or sold for not bound, having dutiable goods on board, which it is repairs to necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in the custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unlading and storing, the collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty.

Goods so sold

88. No person shall be entitled to the benefit of the liable to duty. next preceding section who has sold any of such goods except as it has been necessary to sell to defray the expenses of repairs and charges of the vessel, or as have been authorized by the collector of Customs to be sold; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused or the duties thereon paid by the purchaser.

GOODS DAMAGED OR LOST.

Goods damaged in transit to Newfoundland; allowance on.

89. If any goods imported by water, or partly by water and partly by land, on which duties (ad valorem, or specific, or both), are payable, receive damage during the voyage of importation, between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in Newfoundland, whereby such goods have become lessened in value, an abatement may be made, in the manner hereinafter provided, in the duty payable upon such goods, or if duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained, if the claim therefor is made in due form and is properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined: Provided always, that such examination is completed and certified by the Collector of Customs, Customs' appraiser, or other proper officer, who shall assess such damage within ten days of such landing.

Extent of certified.

90. The Collector of Customs, or appraiser, or damage to be other proper officer whose duty it is to examine and assess the amount of damage sustained in course of importation, shall do so with all possible despatch on being notified so to do, and shall certify the exact cause and extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in Newfoundland.

91. The collector or appraiser shall not regard as evidence of the existence or amount of damage any Manner of appraising price realized at an auction or forced sale of the goods, damage. nor shall he estimate, nor shall any damage be allowed which has originated from decay, dampness, or other cause existing before the voyage commenced, and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation, nor shall he estimate, nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof except manufactured articles, composed in whole or in part of polished steel, and on polished Russia iron and Canada plates and on such only to the extent of fifty per cent., nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have at the same time received actual specific damage by the admixture therewith of water or other foreign substance; nor shall any allowance be made for damage to sugar.

92. When the collector or appraiser has ascertained the percentage of damage, such percentage shall be Duty on damdeducted from the original value of the goods, and duty aged goods. shall then be levied and collected on such reduced value at an ad valorem rate, which shall be equivalent to the rate of specific or specific and ad valorem duty which should have been collected upon such goods if they had not been so damaged.

93. Whenever any vessel has reported at the Custom House at any port in Newfoundland, on board of destroyed between the control of the contr which there are any goods on which any duty has been fore or during levied or collected, or on which any duty has been de- ance on, posited, and thereafter the said goods are lost or de-

landing, allow-

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stroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel, then on proof being made on the oath of one or more credible witness or witnesses before and to the satisfaction of the collector or proper officer of the Customs at the place, who shall administer the oath, that such goods, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole or part thereof so proved to be lost or destroyed shall, if the same have been paid or deposited, be returned to the owner or his agent.

Perishable and fragile articles, allowance on.

94. An allowance may be made for deterioration by natural decay, during the voyage of importation, upon perishable articles, such as green fruits vegetables imported into Newfoundland, but in assessing the same, and in estimating the damage by breakage upon brittle goods, such as crockery, china, glass and glassware, under the provisions of this Act, such allowance or damage shall only be made and allowed for the amount of loss in excess of twenty-five per cent. of the whole quantity damaged, and only if claim is made therefor, and the loss or damage certified upon examination made by the appraiser or proper officer of Customs within three days of the landing or arrival of such goods at the port of destination thereof; and if the duty has been paid on the full value thereof a refund of such duty may be allowed and paid on application to the Minister of Finance and Customs in the proportion and on fulfilment of the conditions hereinbefore specified, but not otherwise.

SHIPS' STORES.

Ships stores, how dealt with. 95. The surplus stores of vessels arriving in Newfoundland shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for reship-

ment for the future use of the vessel, the collector may permit him so to do, or if the same are not landed, they may be sealed up.

GOODS IMPORTED BY MAIL.

96. The Minister of Posts and Telegraphs or any Goods import-Postmaster by him to that effect duly authorized, may ed by mail; detain any post letter, or other article of mail matter, detention and suspected to contain any contraband goods, wares, or of. merchandise, or any goods, wares or merchandise on the importation of which into Newfoundland any duties of Customs are by law payable, and suspected to have been enclosed therein, and sent by post to evade payment of such duties, and forward the same to the nearest collector, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such collector, requiring his attendance, left at or forwarded by the post, according to the address on the letter or other article of mail matter, may open and examine the same; and if, upon any such examination, any contraband goods, wares, or merchandise or any goods, wares, or merchandise on the importation of which into Newfoundland any duties of Customs are payable, are discovered. such collector may detain the letter or other article of mail matter and its contents for the purpose of prosecution or forfeiture; and if no contraband goods, wares, or merchandise or dutiable goods, wares or merchandise, are discovered in such letter or other article of mail matter, it shall, if the party to whom it is addressed be present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the post office and be forwarded to the place of address.

PASSENGERS' BAGGAGE

Passengers' baggage, 97. The owner or agent of all steamships, regularly places of deemployed in the conveyance of passengers inwards or otherwise, shall provide a suitable store or place, to be approved by the Minister of Finance and Customs, for the deposit of passengers' luggage or other goods that may be landed from such steamships for examination by Customs officers.

PROHIBITED GOODS

Prohibited goods.

98. The following goods shall not be imported into Newfoundland, that is to say: Books, drawings, pictures, figures, models, paintings and printings of an immoral or indecent character, or base or counterfeit coin.

SPIRITS

Spirits.

99. (1) No spirits shall, except under the authority of the Board of Liquor Control or other Governmental body, if any, having the control of the trade in spirits, be imported into Newfoundland, except in transit, or except under the like authority be carried coastwise from one port to any other thereof, in any cask or other vessel capable of containing liquors not being of the size or contents of thirty gallons at least, or be exposed for sale, or be in possession of any person, unless the same shall have been transferred to such smaller cask or vessel after it shall have been brought into Newfoundland of which the proof shall be upon the party in possession: Provided that nothing herein contained shall extend to any spirits imported in any ship in bottles as part of the cargo, nor to any spirits being bona fide intended for the consumption of the seamen or passengers of such ship during her voyage and not being more in quantity than is necessary for that purpose.

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- (2) All wines, spirits, and fermented malt liquors. not being ship's stores, brought into Newfoundland at any port or place, shall be landed and entered inwards at the Customs for warehouse; except in the case of wines, spirits and fermented malt liquors as cargo in a vessel calling at St. John's en route to some other port: in which case such liquor may be reported inwards and outwards without landing.
- (3) Upon the entry outwards of wines, spirits, and fermented malt liquors to be exported from a Customs warehouse elsewhere than at St. John's, either by sea or by land, the person entering the same for such purpose shall give security by bond, such bond to be in form approved by the Minister of Finance and Customs, in double the duties of importation on such goods, that the same shall, when the entry aforesaid is for exportation by sea, be actually exported to some port or place overseas provided for in said entry, and when the entry aforesaid is for exportation by land, shall be landed and delivered at the place for which they are entered outwards, unless in either case the said goods were after leaving Newfoundland lost and destroyed; and that such proof or certificate that such goods had been so exported, landed or delivered, or lost and destroyed, as the case may be, as shall be required by this Act or by any regulation made thereunder shall be produced to the collector or other proper officer within a period to be · appointed in such bond.
- (4) The provisions of sub-Section (3) of this Section as to wines, spirits and fermented malt liquors shall also apply to wines, spirits and fermented malt liquors reported at the Cus-

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toms at any place other than St. John's outwards by sea as cargo and other than ship's stores, whether landed or intended to be landed in Newfoundland or not, the bond in such case to be given by the owner, shipper, or consignor of the goods; and no collector or officer shall grant a clearance to a vessel with wines, spirits or fermented malt liquors as cargo until such bond has been given.

(5) No wines, spirits or fermented malt liquors shall be entered outwards for exportation from any port other than St. John's in any vessel of a registered tonnage less than two hundred tons.

Spirits for H. M. Navv.

100. The Minister of Finance and Customs may, under such regulations as may be made by the Governor in Council, remit the duties on wines and spirits purchased and taken out of bond in original packages by officers of His Majesty's Navy for use on board His Majesty's ships.

SUGAR.

Sugar, classification of.

101. The standards or instruments by which the colours and grades of sugar are to be regulated, and the classes to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the collectors of such ports of entry as are necessary, by the Minister of Finance and Customs, in such manner as he deems expedient, and the decision of the appraiser, or of the collector of a port where there is no appraiser, as to the class to which any sugar belongs, and the duties to which it is subject, shall be final and conclusive, unless upon appeal to the Minister of Finance and Customs within thirty days such decision is changed; and the decision of the Minister of Finance and Customs shall be final.

ENTRY OUTWARDS.

102. Except as provided by Section 119, the Report outmaster of every vessel bound outwards from any port wards by master. in Newfoundland to any port or place out of Newfoundland, or on any voyage to any place within or without the limits of Newfoundland, or coastwise, shall deliver to the collector or other proper officer a report in writing outwards under his hand, of the destination of such vessel, stating her name, country, and tonnage. the port of registry, the name of her master, the country of the owners, the number of the crew and the number, names and additions of passengers on board or about to embark on such vessel; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered and landed; except that the proper officer may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged; and before such vessel departs the master shall bring and deliver to the collector or other proper officer a content, in writing under his hand, of the goods laden and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him. The report as to passengers shall be in the form of Schedule B to this Act.

103. The master of every vessel, whether in ballast or laden, shall, before departure, come before the appear before collector, or other proper officer, and answer all such Collector; clearance. questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as are demanded of him by such officer, and if required, shall make his answers

or any of them part of the declaration made under his hand; and thereupon the collector or proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of her clearance in ballast, as the case may be; and if there is merchandise on board, and the vessel is bound to any port in Newfoundland, such clearance shall state whether any and which of the goods are the produce of Newfoundland, and if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the collector at the next port in Newfoundland at which he arrives, immediately on his arrival.

Refusal of clearance.

104. Upon the master of a vessel coming before a collector or other proper officer for the purpose of obtaining a certificate of clearance, as provided in the preceding section, and the collector or other officer aforesaid being satisfied from the declaration of the master that the cargo, or any part thereof, consists of goods the exportation of which is by any law of Newfoundland prohibited, or when it appears from the entries delivered to the collector or other officer, under section 106 of this Act, that the cargo on board any vessel, or any part thereof, consists of goods the exportation of which is prohibited, in every such case the collector or other officer aforesaid shall refuse to grant to the master of such vessel any such certificate of clearance.

Coasting trade, vessels engaged in.

105. The Governor in Council may, by regulation, dispense with any of the requirements of the two sections next preceding which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade.

Entry outwards of cargo.

106. Before a clearance is granted to any vessel bound to a port or place out of Newfoundland, the

owners, shippers, or consignors of the cargo on board such vessel shall deliver to the collector or other proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Newfoundland or foreign production or manufacture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof are or is liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs.

107. All goods or merchandise exported shall be reported and entered outwards at the nearest Customs entry outhouse, subject however to the provisions of Section wards. 119 hereof, and a certified copy of the export entry shall be attached to and accompany the bill of lading, way bill or similar shipping document, or if exported from any place where no Custom house is established, they shall be reported either in like manner at such nearest Custom house, or at the port of exit, from Newfoundland, according to such regulations as are established by the Governor in Council from time to time.

108. Upon the entry outwards of any goods to be Goods entered exported from a Customs warehouse, the person enter- outwards; ing the same for such purpose shall by and upon the porter as to.

making of such entry, whether so expressed in such entry or not, become thereby bound to the actual exportation thereof, to the actual landing or delivering at the place for which they are entered outwards, and to the accounting for the same to the satisfaction of the collector or other proper officer of Customs, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of as the case may be, as shall be required by any regulation of the Governor in Council. or by the collector or other proper officer of Customs; and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to so export. land or deliver, and to produce such proof thereof as hereinabove provided: Provided that this shall not apply to the entry outwards of goods, wares and merchandise brought into Newfoundland in transit from some place outside Newfoundland, to some other place outside Newfoundland, upon which an ad valorem duty is not imposed.

Proof of landing of goods abroad, or loss thereof.

109. If within the period appointed in the entry for exportation, as provided for in the next preceding section of this Act, there is produced to the collector or other proper officer of Customs the written certificate of some principal officer of Customs or of Colonial Revenue at the place to which the goods were exported or, if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign consul or vice-consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of Newfoundland, as provided for in the said entry, or if it is proved to the satisfaction of the collector or other proper officer of Customs that the said goods were after leaving Newfoundland, lost and destroyed, the obligation of

the person making such export entry to the payment of the double duty on such goods shall terminate, and he shall thereby be released from such obligation.

110. The Governor in Council may, by regulations Statistics as from time to time made in that behalf, require such to goods enterfurther information with regard to the description, quantity, quality and value of goods exported from Newfoundland, or removed from one port to another in Newfoundland, or in transit through Newfoundland, to be given to the proper officer of the Customs, in the report and entry of such goods outwards, or otherwise as he deems requisite for statistical or other purposes.

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111. No entry outwards or any shipping warrant Entry outor warrant for taking goods from warehouse for ex-wards must portation shall be deemed valid, unless the particulars correspond with entry of the goods and packages correspond with the inwards. particulars in the entry inwards, nor unless they are properly described in the entry outwards by the character, denomination and circumstances under which they were originally charged with duty.

112. If the owner of any goods is resident more Entry outthan ten miles from the office of the collector at the wards by port of shipment, he may appoint an agent to make his agents. entry outwards and clear and ship his goods; but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that are put to him; and any trading corporation or company may appoint an agent for the like purpose.

REPORTS BY PURSERS.

113. The report, inwards or outwards, required by outwards inthis Act may, in the case of any steam vessel carrying ter.

Pursers of steam vessels may report inwards and stead of masCap. 57

to do.

a purser, be made by such purser with the like effect in all respects and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; and the word "master" for the purposes of this section, shall be construed as including the purser of any steam vessel; but nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalty imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit so

BILLS OF HEALTH.

Bills of Health.

114. Whenever the collector of Customs at any port is satisfied that in such port, as well as in the adjacent city or town and vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

FISHERY CLEARANCES.

Fishery clearances.

115. The master of every vessel engaged in the fisheries of Newfoundland, not having on board any goods, wares or merchandise subject to duty, shall, before departure from the port of lading deliver to the proper officer of Customs an entry outward, under his hand, of such ship, stating the name, country and tonnage of the ship, the name of the master, and number

of the crew; and thereupon the proper officer aforesaid may give to the master a certificate under his hand, that such vessel has been specially cleared out for the fisheries, and such certificate shall be in force until the thirty-first day of December next after the date thereof, and such vessel shall be exempt from all obligations to clear at any Custom house upon departure from any port in Newfoundland during the continuance of the season for which such certificate may have been granted: Provided that in case such vessel has on board, during the continuance of the season for which such certificate may have been granted, any goods, wares or merchandise subject to duty, such vessel shall be subject and liable to the same rules, restrictions and regulations as vessels bound to ports beyond the seas are subject or liable to, or to such other regulations as to the carrying of goods coastwise as the Governror in Council may from time to time prescribe.

ENTRY, ETC., AT LABRADOR.

116. All the provisions of this Act shall, except as otherwise specifically provided in this Act, or by regu- Act in Labralations made under this Act, apply in Labrador; but dor; Special the Governor in Council may from time to time by regulations published in the Newfoundland Gazette alter, amend or exclude any of the provisions of this Act in their application at Labrador, and may make any regulations supplementary to or additional to this Act for the purposes of Customs administration and the collection of revenue at Labrador, and may from to time amend or cancel any such regulations; and all such regulations shall have the force of law as if enacted in this Act, whether the same be inconsistent with this Act or not.

Regulations.

117. All goods landed at Labrador shall be sub-Goods landed ject to the duties imposed upon the like goods import- at Labrador ed into any part of Newfoundland and to the same subject to duty, etc.

laws, rules and regulations as though they were on board the importing ship on arrival, before such landing.

Entry inwards at Labrador. Shall, within two days after importation, make due entry of such goods and pay the duties thereon, and if required by the collector land the said goods; and in default of such entry and payment of duties the collector may seize and sell the said goods, or so much as may be necessary for the payment of all duties on such importation, paying over the surplus of the proceeds, after the payment of such duties and expenses of seizure and sale, to the proprietor of such goods or to any person authorized to receive the same.

119. Entry outwards of any vessel bound from Entry out-Labrador to any place out of this Dominion, shall be wards at Lab_ made according to sections 102 and 103 of this Act: rador. Provided that should the master of any vessel by reason of the absence of the collector or by reason of his inability to reach the collector, be prevented from clearing his vessel in conformity with the provisions of the above-quoted sections of this Act, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the collector at St. John's, at the earliest opportunity, an entry, in the form required by section 106 of this Act, of such parts of the cargo as have been shipped by them respectively.

Office of Collector at Labrador, the office of collector, where there is no office on shore, shall be held to be in the ship or vessel in which such collector shall be conveyed.

Goods seized at Labrador.

121. Goods seized as forfeited at Labrador may be sold by the collector under the provisions of the laws relating to the revenue, at any port or place such collector may deem expedient.

TIME OF IMPORTATION OR EXPORTATION

122. Whenever on the levying of any duty, or for any Time of imother purpose, it becomes necessary to determine the pre-portation or cise time of the importation or exportation of any goods, or exportation, of the arrival or departure of any vessels, such importation mined. shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any vessel, or from the time the goods were carried beyond the limits of Newfoundland, and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage on which she departed.

REFUNDS

123. No refund of duty paid shall be allowed because Refunds when of any alleged inferiority or deficiency in quantity of and how goods imported and entered, and which have passed into allowed. the custody of the importer under permit of the collector of Customs or because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the value of such goods for duty, unless the same has been reported to the collector of Customs within ten days of the date of entry, and the said goods have been examined by the said collector or by an appraiser, or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and if such collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, no refund of the duty or any part thereof shall be allowed; and

all applications for refund of duty in such case shall be submitted, with the evidence and all particulars, for the decision of the Minister of Finance and Customs, who may order payment on finding the evidence sufficient and satisfactory.

Over-payment of duty.

124. Although any duty of Customs had been over paid, or although after any duty of Customs has been charged and paid it appears or is judicially established that the same was charged under any erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for re-payment has been previously made.

Refunds for

125. No refund of duty shall be allowed after the misdescription, lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and if any error of the kind is discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods report the facts to the collector in order that the same may be verified.

DRAWBACKS

Drawbacks on exportation.

126. The Governor in Council may, under regulations made for that purpose, allow on the exportation of goods which have been imported into Newfoundland, and on which a duty of Customs has been paid, a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations; and in cases mentioned in such regulations and subject to such provisions as are therein made, such drawback, or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in Newfoundland into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed after the time the duty was paid shall be limited in such regulations.

GOODS NOT TO BE IMPORTED IN UNREGISTER-ED VESSELS

127. No person, unless he is authorized by the Governor in Council, shall import any goods, wares or mer-Goods not to chandise from any port or place out of Newfoundland in be imported in unregistered any vessel which has not been duly registered, and has not vessels. a certificate of such registry on board.

AGENTS AND ATTORNEYS

128. Whenever any person makes application to an officer of the Customs to transact any business on behalf attorneys to of any other person, such officer may require the person produce auso applying to produce a written authority from the per-thority. son on whose behalf the application is made, and in default of the production of such authority may refuse to transact such business; and if such person acting as agent be approved by the Board of Customs, he shall, until his authority is cancelled by his principal, and the Board of Customs be notified thereof, be deemed to be the agent of the person by whom he was appointed for any purposes under this Act: and any act or thing done or performed by such agent shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully, as if the act or thing had been done or performed by the principal.

129. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and Agents may make entries, leave with the collector, may, in his said quality, validly etc. make any entry or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he is cognizant of the facts herein avered; and any instrument appointing such attorney and agent shall be valid if it is in the form prescribed by the Governor in Council.

Unincorporated companies, associations, partnerships, etc.; entry on behalf of.

- 130. (1) Any partner in or attorney and agent of any unincorporated company, association or copartnership of persons may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members or of the other members of the company or association or partnership, and such entry, bond or instrument shall bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it is a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed, and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid; and the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section.
 - (2) The person who under this section makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their attorney," or words to the like effect, as the case may be, thereunto prefixed.

PREVENTION OF SMUGGLING

131. (1) If any vessel is hovering in territorial waters of Newfoundland, an officer may go on board such vessel and examine her cargo and may

Examination of vessels hovering in territorial waters.

- also examine the master or person in command upon oath touching the cargo and voyage and may bring the vessel into port.
- (2) Any vessel in territorial waters of Newfoundland, shall come to a stop when required so to do in the King's name by any officer or upon signal made by any Government vessel or cruiser wearing the pendant and ensign approved and appointed for the purpose by order of the Governor in Council.
- (3) No person on board any vessel required to come to a stop as herein provided shall throw overboard, stave or destroy any part of the cargo, or any papers or documents relating to the vessel or cargo.
- (4) The evidence of the captain, master, or other person in charge of any vessel or cruiser in the service of the Government of Newfoundland that the vessel was within territorial waters of Newfoundland shall be prima facie evidence of the fact.
- 132. The master of any vessel shall, if required, produce his manifest to such revenue officer, and also deliver Master to to him a copy thereof, and such officer shall note on the fest. original manifest, the date of production, and return the same to the master.
 - 133.(1) No goods shall be unladen from any vessel Unlading or arriving at any port or place in Newfoundland breaking of from any place out of Newfoundland, or from bulk before any vessel having dutiable goods on board entry. brought coastwise or otherwise until entry has been made of such goods and warrant granted for the unlading of same.

(2) No person shall break bulk upon any vessel

within the territorial waters of Newfoundland whether such vessel be upon a voyage from a foreign port to a port in Newfoundland, or from a foreign port to a foreign port, or from a foreign port to the high seas, or from a Newfoundland port to the high seas, or coastwise or otherwise until due entry is made or warrant granted as aforesaíd.

- (3) No goods shall be unladen, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal rock, bar or sand bank, except between six o'clock a.m. and six o'clock p.m. and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unlading of such goods.
- (4) If after the arrival of any vessel within the territorial waters of Newfoundland, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof is fraudulently staved, destroyed or thrown overboard, or any package is opened it shall be deemed a breaking of bulk.

POWERS AND DUTIES OF OFFICERS

Powers of offi-the authority of any Act relating to the collection of the cers generally; proof thereof. revenue, or under the direction of any officer of Customs, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act in every respect, whether such officer or person is or

is not the holder of a writ of assistance; and in any suit or information, the averment that such person was so duly employed shall be prima facie proof thereof.

135. Every such officer or person as mentioned in the searching. next preceding section, and every sheriff, justice of the seizure, stopping of peace, or person residing more than ten miles from the vehicles, etc. residence of any officer of Customs, and thereunto authorized by any collector of Customs or a justice of the peace may upon information or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of Newfoundland, and may rummage and search all parts thereof for such goods; and if any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belonged to or are attached to such vessel or vehicle with all goods and other things laden therein or thereon, and the same shall be seized and forfeited.

136. (1) Any officer of Customs, or person by him au-Search of the thorized, may search any person whom he person. may suspect of having uncustomed or prohibited goods secreted about his person.

(2) Any person suspected as aforesaid may be questioned by such officer, whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be forfeited, and he shall forfeit double the value thereof.

- (3) Before any person can be searched as afore-said, such person may require the officer to take him before some Justice of the Peace, or before the collector or chief officer of Customs at the place, who shall, in his discretion, either discharge such person or direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such Magistrate, Justice of the Peace or collector of the Customs, may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.
- (4) Any officer required to take any person before a Justice or chief officer as aforesaid, shall do so with all reasonable despatch.

Search of buildings, etc.

137. Any officer of Customs having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building or in any yard or other place, open or enclosed, may, with such assistance as is necessary, enter therein at any time between six o'clock in the morning and six o'clock in the evening; but if the doors be fastened, admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given. he may forcibly enter, and after in either case entry is made the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture; and such acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice of the Peace resides, or where no Justice of the Peace can be found within two miles at the time of search.

Boarding of vessels, sealing of hatchways, etc.

138. Officers of Customs may board any vessel at any time or place and stay on board until all the goods

intended to be unladen have been delivered; and they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted. and to mark and secure any goods on board; and if any place, box or chest is locked, and the keys are witheld, the officer may open the same.

139. Any officer or person in the discharge of the duty officers may of seizing goods, vessels, vehicles or property liable to for-call for asfeiture under this Act, may call in such lawful aid and King's name; assistance in the King's name as is necessary for securing protection of and protecting such seized goods, vessels, vehicles or officers. property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found, shall not be liable to any prosecution, action or other legal proceeding on account of any such search, detention or stoppage.

WRITS OF ASSISTANCE

140. Any Judge of the Supreme Court of Newfound-Writs of land shall grant a writ of assistance upon application Assistance; made to him for the purpose of His Majesty's Attorney issue. General of Newfoundland or by the Minister of Finance and Customs, and such writ shall remain in force so long as any person named therein remains an officer of the Customs, whether in the same capacity or not.

- 141. Every writ of assistance granted before the Saving of coming into force of this Act, under the authority of Acts former writs relating to the Customs now repealed, shall remain in of assistance. force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed.
- 142. Under the authority of a writ of assistance any Officer acting officer of the Customs, or any person employed for that under writ of purpose, with the concurrence of the Governor in Council, assistance. expressed either by special order or appointment or by

general regulation, may enter at any time in the day or night, into any building or other place within the jurisdiction of the Court from which such writ issues and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and in case of necessity may break open any doors of any chests or other packages for that purpose.

PROTECTION OF OFFICERS

Actions or proceedings against officers

- 143. (1) No action, suit or proceeding shall be commenced, and no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office, or against any person in possession of goods under authority of any officer of the Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process is pending, nor until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the solicitor or agent of the person who intends to sue out such writ or process.
 - (2) In such notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the solicitor or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given; and in default of such proof, the defendant shall receive a verdict or judgment and costs.

- 144. (1) Any such officer or person against whom any Tender of action, suit or proceeding is brought on account officers. of anything done in the exercise of his office. may, within one month after such notice, tender amends to the person complaining, or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury as the case may be, find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or if the plaintiff becomes nonsuited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to full costs of defence
 - (2) The defendant, by leave of the Court in which the action is brought, may at any time before issue joined pay money into Court as in other actions.
- 145. (1) If in any such action, suit or proceeding, Certificate of the court or judge before whom the action probable is tried certifies that the defendant in such cause. action acted upon probable cause, the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.
 - (2) No action, suit or proceeding shall be commenced against the Crown or against any officer of Customs or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer of Customs, for the recov-

ery of the thing seized, until a decision has been first given either by the Minister of Finance and Customs or by a court of competent jurisdiction in relation to the condemnation of the thing seized.

Limitation of actions; plea of general issue.

146. Every such action, suit or proceeding shall be brought within three months after the cause thereof; and the defendant may plead the general issue, and give the special matter in evidence.

ARTICLES SEIZED-HOW DEALT WITH

147. If any goods, property or vehicle, subject to Goods seized, the Customs, are stopped or taken by any police or to be taken to Custom House peace officer or any person duly authorized, such goods, property or vehicle except when otherwise directed by the Governor in Council or the Minister of Finance and Customs, shall be taken to the Custom house nearest to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped or taken.

Goods stolen if seized, how dealt with.

148. If any goods, property or vehicle are stopped or taken by such police or peace officer on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of His Majesty's Customs at the port nearest to the place where such goods have been detained, of his having detained such goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom house or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law.

149. Whenever any vessel, vehicle, goods or things Report of have been seized or detained under any of the provis- Customs. ions of this Act or of any law relating to the Customs. or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the Deputy Minister of Customs.

150. The Deputy Minister may thereupon notify Notice to the owner or claimant of the thing seized or detained, owner or or his agent, or the person alleged to have incurred the penalty or forfeiture or his agent, of the reason for the seizure, detention, penalty or forfeiture, and call upon him to furnish within thirty days from the date of the notice such evidence in the matter as he desires to furnish; such evidence may be by affidavit or affirmation, made before any Justice of the Peace, any collector of Customs, any commissioner for taking affidavits in any court or any notary public.

151. After the expiration of the said thirty days, Recommendaor sooner, if the person so called upon to furnish evi-tion of Deputy dence so desires, the Deputy Minister may consider Minister. and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister of Finance and Customs.

152. The Minister of Finance and Customs may thereupon either give his decision in the matter re- Minister. specting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the Court for decision.

153. If the owner or claimant of the thing seized Decision final or detained or the person alleged to have incurred the within 30 penalty does not, within thirty days after being noti-days.

fied of the decision of the Minister of Finance and Customs, give him notice in writing that such decision will not be accepted, the decision shall be final.

154. If the owner or claimant of the thing seized In case of dissent, Minister or detained, or the person alleged to have incurred the may refer mat-penalty, within thirty days after being notified of the ter to Court. decision of the Minister of Finance and Customs gives him notice in writing that such decision will not be accepted, the Minister of Finance and Customs may refer the matter to the Court.

Court to hear matter referred and give evidence.

155. On any reference of any matter by the Minister of Finance and Customs to the Court, the Court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown produces under the direction of the Court, and shall decide according to the right of the matter; and judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the Court

156. The service of notice to produce evidence re-Manner of serving notice, fered to in section 150, and of the decision of the Minister of Finance and Customs referred to in sections 152 and 153, shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days mentioned in the two sections last cited shall be computed from the date of the mailing of such notification.

157. Sales of goods forfeited or otherwise liable Manner of sale of goods to be sold under this Act shall be by public auction, and forfeited. after a reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but in any case the Minister of Finance and Customs may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction.

158. The proceeds, after deducting expenses, shall, Disposition of unless it is otherwise provided, belong to His Majesty proceeds of for the public uses of the Dominion, but the net proceeds or any portion thereof, may be divided between and paid to the collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister of Finance and Customs to make and ordain any other plan or system for the redistribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law.

159. Whenever information has been given under Importer, ownoath to any officer of Customs that goods or things er, etc., of have been unlawfully imported or entered, or whenever goods seized to any goods have been seized or detained under any of es and other the provisions of this Act or of any law relating to the required. Customs, the importer or exporter thereof, or the owner or claimant thereof, or any other person who may be or have been agent for either of them or of the consignor, shall, immediately upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detained, or of all other goods imported into Newfoundland by him at any time within six years preced-

ing such requests, seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cashbooks, letter-books, invoice-books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained and of all other goods as aforesaid.

Invoices and Court if so directs.

160. Whenever any suit is instituted under the documents to provisions of this Act or an order of the Court is tained, all invoices, accounts, books and papers relating to any imported goods, to which such suit or order relates, shall be produced in Court or to any person whom the Court directs, and if the same are not so produced within such time as the Court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in a case by default; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order.

Goods seized may be delivered to owner on deposit of security.

161. (1) Any collector or other proper officer of Customs may, as may also the Court, with the consent of the collector or other proper officer of Customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of Customs in money of a sum equal at least to the full duty paid value (to be determined by the collector or other proper officer of Customs) of the things seized and the estimated cost of the proceedings in the case; and any collector or other proper officer of Customs may receive from any person charged with any contravention of this Act, although no

seizure of goods has taken place, a sum of money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention (to be determined by the collector or other proper officer of Customs) together with the estimated cost of the proceedings in the case.

- (2) Any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance and Customs, there to remain until forfeited in due course of law or released by order of the Minister of Finance and Customs; and if such seized articles are condenmned, or such penalty or forfeiture accrues to the Crown either by suit in a Court or by a decision of the Minister of Finance and Customs under this Act, the money deposited shall be forfeited.
- (3) Any sum or sums of money so deposited shall, unless the same is or are released as in the next preceding sub-section provided, become the property of His Majesty for the public uses of this Dominion, subject to the provisions of section 166 of this Act; and no proceedings against the Crown for the recovery thereof shall be instituted except within six months from the date of the deposit thereof; and in any such proceedings the burden of proof that the goods in respect of which such deposit was made had been duly entered and that all the provisions of this Act had been complied with, and that no penalty or forfeiture had accrued in respect thereof, shall lie upon the person seeking recovery of the sum or sums so deposited and not upon the Crown.

Animals or perishable goods seized; sale of.

162. If the thing seized is an animal or perishable article, the collector at whose port the same is may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value; and the proceeds of such sale shall be deposited in some chartered bank to the credit of the Minister of Finance and Customs, and shall abide the judgment of the Court with respect to the condemnation of the thing seized, if proceedings for condemnation are taken in Court, or shall become the property of His Majesty, if the thing seized becomes condemned without proceedings in Court: Provided always, that the collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the collector to represent the duty paid value of the thing claimed, and the cost of any proceeding to be taken in Court for the condemnation of the thing seized; and the money so deposited shall be paid into some chartered, bank to the credit of the Minister of Finance and Customs, and shall be dealt with in the same manner as above provided for in the case of the proceeds of a sale of such thing.

Proceedings for condemnation where exceed \$100.

163. If notice or intent to claim has been given and the value of the goods or thing seized does not exvalue does not ceed one hundred dollars, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, and if such appraiser certifies them to be under the said value, a summary information in writing may be hibited in the name of the collector at or nearest the place of seizure, or in the name of any officer authorized thereto by the Minister of Finance and Customs. before a Stipendiary Magistrate, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the Magistrate shall thereupon issue a general notice for all persons claiming in-

terest in the seizure to appear at a certain time and place there to claim the articles seized and answer the information, otherwise such articles will be condemned: and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized, if any, and if there remaining, or at two public places nearest the place of seizure. If any person appears to answer the information the Magistrate shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears judgment of condemnation shall be given; and the Magistrate on condemnation, shall issue a warrant to the collector to sell the goods: and such Magistrate shall be deemed a Court for the purpose of this Act.

164. All vessels, vehicles, goods and other things Goods seized; seized as forfeited under this Act, or any other law re- custody of; sale in default lating to Customs or to trade or navigation, shall be of claim. placed in the custody of the nearest collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold, unless the person in whose possession or custody they were seized, or the owner thereof or some person on his behalf, within one month from the day of seizure, gives notice in writing to the seizing officer or other chief officer of the Customs at St. John's, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall lie upon the person so claiming.

165. Proceedings for the condemnation of things seized may be commenced and prosecuted to tion where no judgment, even if no such notice has been given.

Proceedings the for condemna. notice of claim.

DISPOSITION OF SURPLUSES ON SALES.

166. The surplus, if any, of the proceeds of the Disposition of sale of any vessel sold for any penalty over and above surpluses from sales. the amount of the penalty, and expense incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other person entitled thereto.

OFFENCES AND PENALTIES

Respecting Entry Inwards, Importation and Landing

167. If any goods, wares or merchandise are re-Removal from place under moved from any place under the control of the Customs control of customs, with-without the permission of the proper officer of Customs. out leave; the same shall be forfeited. penalty.

168. Every master of a vessel failing to make or Failure to report inwards;; cause to be made in respect of his vessel the report as penalty. to passengers prescribed in Section 10 of this Act shall be liable to a penalty not exceeding two hundred dollars.

169. Any person failing or refusing to return to the Failure to return goods for Customs or examining warehouse any package upon requiexamination, sition of the collector or other proper officer in accordance on demand; with the terms of Section 31 of this Act shall be liable to penalty. a penalty equal to the value of the package; or in default of evidence of the value of such package, a penalty not exceeding two hundred dollars.

Goods improp-170. Any goods taken or delivered out of any veserly described, forfeiture of. sel or sufferance warehouse by virtue of:

> (a) Any entry or warrant not corresponding, as to the particulars of the goods and packages stated therein, with the particulars of the goods and packages purporting to be the

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same in the report of the vessel or other report, where any is required to be made, by which the importation or entry of such goods is authorized; or

- (b) any entry or warrant not properly describing the goods: shall be deemed to be goods landed without due entry thereof, and shall be seized and forfeited.
- 171. If in any case the true value for duty of any Goods 20% ungoods as finally determined under this Act, or as de-der-valued; adtermined in any action or proceeding to recover unpaid by way of duties, exceeds by twenty per centum, or more, the penalty. value for duty as it appears by the bill of entry thereof, there shall be levied and collected upon the said goods, in addition to the ordinary duty payable on such goods, when properly valued, a sum equal to one-half of the whole duty so payable; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited.

172. If any goods are imported into Newfound-Goods importland at any other place than at some port or place of ed at non-enentry at which a Custom house is then lawfully estab-try port, or carried past lished, or are carried past such Custom house, or re-Customs; formoved from the place appointed for the examination feiture and of such goods by the collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods.

173. If any goods are unlawfully imported on the Goods unlawfully imported person or as luggage or among the luggage of any one on the person or in baggage, arriving in Newfoundland, such goods shall be seized and forfeited.

174. If any goods are found in any package which Goods not de_ clared found are not mentioned in the invoice or entry, such goods in any package; forfeishall be seized and forfeited, and if such goods are not ture and pen-found, but the value thereof has been ascertained, the alty. owner, importer or other person who had made entry or caused to be made entry of such package, and who neglects on receipt of such package to immediately make report and entry of such inclosure, shall forfeit the value thereof.

Incorrectly or ed or undervalued goods: forfeiture of.

175. If any goods are found which do not correfalsely describ-spond with the goods described in the invoice or entry, or if the description in the invoice or entry has been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited.

Vessels, vehicles, animals, feiture of.

176. All vessels with the guns, tackle, apparel and etc., made use furniture thereof, and all vehicles, harness, tackle, of in connec- horses and animals made use of in the importation goods liable to or unshipping or landing or removal of any goods liable forfeiture; for to forfeiture under this Act, shall be seized and forfeited; and every person who assists or is otherwise concerned in importing, unshipping, landing or removing, or in the harboring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods at the election of the person who sues for the same; and the averment in any information, petition or pleading for the recovery of such penalty, that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact.

Person who assists in handling forfeitable goods; penalty.

177. If any person knowingly harbors, keeps, conceals, Concealing purchases, sells or exchanges any goods unlawfully import-fully imported into Newfoundland (whether such goods are dutiable ed; penalty. or not), or whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited, and may be seized. If such goods are not found, the person so offending shall forfeit the value thereof; and every such person, his aiders and abettors shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction and shall further be liable, on summary conviction before a Stipendiary Magistrate, to a penalty not exceeding two hundred dollars, and not less than fifty dollars or to imprisonment for a term not exceeding one year and not less than one month or to both fine and imprisonment.

178. If any two or more persons in company are Persons in found together, and they, or any of them, have any goods company having forfeitable liable to forfeiture under this Act, every such person hav-goods; all liaing knowledge of the fact is guilty of a misdemeanor.

179. If any goods claimed to be exempt from duty Goods claimed under any Act relating to duties of Customs and describt to be exempt ed in the entry in the words in which they are described but misdescribto be free in the Act are found not to answer such descrip-ed; forfeiture. tion, the collector or other proper officer may seize and forfeit the same; or if he deems it expedient he may detain the same and report the matter for the action of the Minister of Finance and Customs as provided in this Act.

180. The master of any vessel who when required so to do by any revenue officer, fails or refuses to produce his $_{
m ing}$ to produce manifest and, if so required, to deliver to such officer a manifest; pencopy thereof, shall be liable to a penalty of two hundred alty. dollars.

Unlading be-181. All goods unladen contrary to Section 133 of fore entry, or this Act shall be seized and forfeited; and if bulk is brok-breaking bulk; en contrary to the said section the master shall be liable to a penalty of four hundred dollars, and the vessel may be detained until the said sum is paid or satisfactory security given for the payment thereof, and unless payment is made or security given within thirty days such vessel may at the expiration thereof be sold to pay the said sum.

Unlawful possession of or fraudulent interference and penalty.

182. Every person who has in his possession, in port or on land, any goods derelict, flotsam, jetsam or wreck, and which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary with, wreck, to the nearest officer of Customs without unnecessary etc.; forfeiture delay, or does not on demand pay the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited; and every person who removes or alters in quantity or quality any such goods, or unnecessarily opens or alters any package thereof, or abets any such act, before the goods are deposited in a warehouse under the custody of the Customs' officers, shall, in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars.

examination; penalty.

183. If any person having the custody or having posranure to return goods for session or control of any package or any goods which have been delivered without examination upon being required by the Collector at the port at which such goods are entered to return the same to the Customs or examining warehouse fails within ten days of being so required to return the goods or any portion thereof he shall incur a penalty equal to the value of the goods not returned.

Failure to produce invoice; penalty.

184. Any importer failing to produce an invoice of any goods as required by Section 19 of this Act within the time appointed in pursuance of such section shall be liable to a penalty equal to the amount deposited with the Collector as referred to in the said section.

185. Any person who shall open or unpack any Opening goods package delivered without examination contrary to the delivered without examinaprovisions of Section 30 of this Act shall be liable to a tion; penalty. penalty equal to the value of the contents of the package so opened or unpacked or in the alternative the goods which were contained in such package may be seized and confiscated.

RESPECTING WAREHOUSES AND WAREHOUSING

186. If any goods, wares or merchandise entered to Goods carried be warehoused or to be re-warehoused shall be carried into into warehouse irreguthe warehouse unless with the authority of the proper larly; forfeiofficer and in such manner, within such time and by such ture. means of conveyance as such officer shall direct, such goods shall be forfeited.

187. Any goods taken or delivered out of any ware-Goods taken house or conveyed into this Dominion beyond the port of out of wareplace of entry by virtue of any entry or warrant.

house, etc., by irregular en_ try or war-

- (a) not corresponding, as to the particulars of rant; forfeithe goods and packages stated therein, with the particulars of the goods and packages purporting to be the same, in the report of the vessel, or other report, where any is required to be made, by which the importation or entry of any such goods is authorized; or
- (b) not properly describing the goods;

shall be deemed to be goods taken without due entry thereof and shall be seized and forfeited.

188. If any goods which have been entered to be warehoused, shall not be duly carried into and deposited Irregular dealings with in the warehouse, or shall afterwards be taken out of the warehoused warehouse without due entry and clearance, or having goods; penalbeen entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer, the said goods shall be forfeited.

Fraudulent dealings with warehoused ture.

189. If the proprietor of any warehoused goods, or his agent, shall fraudulently conceal in, or remove from goods; forfei- the warehouse, or abstract from any package, or transfer from one package to another or otherwise, for the purpose of illegal removal or concealment, any warehoused goods, such goods shall be forfeited.

Concealment penalties.

190. If any warehoused goods are concealed in or unlawfully removed from any Customs warehouse in Newor unlawful removed from the case of waterloads in New-moval of ware foundland, such goods shall be seized and forfeited; and housed goods; every person who conceals or unlawfully removes any such goods, or aids or abets such concealment or removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into Newfoundland; and on the discovery of such concealment or removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Newfoundland.

Gaining access improperly to warehoused goods: penalty.

191. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance opens the warehouse in which the goods are or gains acccss to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer or owner shall, for every such offence, incur a penalty of one hundred dollars.

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- 192. Every person who by any contrivance gains ac-Gaining access cess to bonded goods in a railway car, or to goods in a to bonded railway car or in any other conveyance or place, upon goods; penalty. which goods the Customs duties have not been paid, or delivers such bonded or other goods without the express permission of the proper officer of Customs, shall for every offence be liable to a penalty not exceeding four hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.
- 193. Every person who wilfully alters, defaces, or Altering, deobliterates any mark placed by any officer of Customs on facing, etc., any package of warehoused goods or goods in transit, shall Customs for every such offence, incur a penalty of five hundred alty. dollars.

194. Every person who makes any entry outwards of Unauthorized goods from warehouse for exportation, and who is not the goods outowner or duly authorized by the owner thereof, or the entering; master of the vessel by which they are to be shipped, shall penalty. incur a penalty of two hundred dollars.

RESPECTING LANDING OF GOODS BEFORE REPORT

195. If any goods are unladen from any vessel before Unlading goods report is made, in accordance with the provisions of Scc-before report; tion 10 of this Act, or if the master fails to make such default of rereport, or makes an untrue report, or does not truly report; penalanswer the questions demanded of him, as provided in ty for. Section 11 of this Act, he shall incur a penalty of four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days such vessel may after the expiration, of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel.

Goods unladen or falsely redescribed; penfeiture.

196. If any goods are unladen from any vessel or before report, vehicle or put out of the custody of the master or person reported or mis-in charge of the same before report is made as required porter, or not by this Act, or if such master or person fails to make such alty and for report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.

Goods unladen before entry and persons concealing same; forfeiture and penalty.

197. All goods unladen or landed before due entry thereof and warrant for landing, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so landed shall for each offence incur a penalty of four hundred dollars.

RESPECTING APPRAISAL

Persons refusing to give evidence on re-appraisal proceedings; penalty.

198. Every person called, as provided in Section S1 of this Act, who neglects or refuses to attend, or declines to answer or refuses to answer in writing, if required, to any interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books, as provided by the said section, when required so to do, shall incur a penalty of fifty dollars.

Person refusing to act as appraiser; penalty.

199. Every person chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall for so refusing or neglecting without good and sufficient cause incur a penalty of forty dollars and costs.

RESPECTING PROHIBITED GOODS

200. Books, drawings, pictures, figures, models, paint-Prohibited goods, important base or counterfeit coin, shall if imported into New-feiture and foundland be seized and forfeited together with all other penalty. goods in the package containing the same; and every person concerned in the importation of the same shall be liable to a penalty not exceeding one hundred dollars

RESPECTING SPIRITS

201. If any spirits are imported or brought into Spirits im-Newfoundland contrary to this Act the same shall be for-ported contrary feited, together with the packages containing the same.

Spirits imported to this Act; forfeiture.

RESPECTING ENTRY OUTWARDS AND EXPORTATION

- 202. Every master of a vessel failing to make or cause Failure to reto be made in respect of his vessel the report as to passengers outwards; gers prescribed in Section 102 of this Act shall be liable penalty. to a penalty not exceeding two hundred dollars.
- 203. If any goods have been entered outwards to be exported from a Customs Warehouse, either by sea or by Failure to act in pursuance land, the person entering the same for such purpose shall of entry outineur a penalty equal to the duties of importation on such alty.

 goods in case of non-performance of the obligation so incurred to export, land or deliver, and produce satisfactory proof thereof as in this Act provided.
- 204. If any such goods are not exported, landed or Failure to act delivered, or otherwise lawfully disposed of, or if they are in pursuance fraudulently relanded in or brought into Newfoundland in of goods frauviclation of the Customs laws or regulations, such goods landed. shall be seized and forfeited, together with any vessel or vehicle from or in which they have been so landed or brought into Newfoundland, or in which they may be

found; and the person entering the same for exportation shall in any such case, and whether such goods are seized or not, be liable for the payment of double duty in addition to any other penalties or forfeitures to which, for any of the causes aforesaid, he may be liable under this Act.

205. The owner, shipper or consignor of any Failure to who refuses or neglects to make report and entry outwards enter goods outwards from thereof as required by Section 119 shall be liable to a pen-Labrador; alty not exceeding two hundred dollars. penalty.

Departure of vessel without a clearance; or ladported goods landed; penalty.

206. If any vessel departs from any port or place in Newfoundland without a clearance, or if the master delivers a false content, or does not truly answer the questions ing before im-demanded of him, or if any goods be laden on board any such vessel before the master shall show that all goods therein imported (except such as were reported for exportation in the same vessel) have been duly entered and landed, unless a stiffening order has been given or if, having received a clearance, such vessel adds to her cargo, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars; and the vessel shall be detained in any port in Newfoundland until the said penalty is paid; and unless payment is made within twenty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in detaining, keeping and selling such vessel.

Failure to enter goods outwards; penalty.

207. The owner, shipper or consignor of any goods who refuses or neglects to make report and entry of the articles shipped or laden by them respectively, as required by section 106, shall incur a penalty not exceeding two hundred dollars for each such offence.

Fishing vessel departing without fish-

208. The master of any vessel engaged in the fisheries of Newfoundland departing without having received a rertificate of special clearance for the fisheries in accordance ery clearance; with Section 115 of this Act shall be liable to a penalty of penalty. two hundred dollars.

RESPECTING ENTRY, ETC., AT LABRADOR

- 209. If the master of a vessel sailing from Labrador Failure to to any place out of this Dominion shall, by reason of the John's goods absence of the Collector or by reason of his inability to shipped from Labrador; penreach the Collector, be unable to clear his vessel, and sail alty. without a clearance, then if in such case the owners, shippers or consignors of the cargo on board such vessel shall not deliver to the Collector at St. John's at the earliest opportunity an entry outwards as prescribed by Section 119 of this Act, of such parts of the cargo as may have been shipped by them respectively, they and each of them shall be liable to a penalty of two hundred dollars.

- 210. Every person who shall be concerned in landing or unshipping at Labrador any goods, wares or merchandise liable to duty, the duty on which has not been paid or secured, shall forfeit and pay a penalty of four hundred dollars
- 211. If any goods imported into or landed in Labra-Goods importdor are not duly entered and the duty thereon paid within ed at Labratwo days of importation, or if the collector or other pro-entered; forper officer of Customs shall have required them to be land-feiture. ed and they are not so landed, such goods may be seized and forfeited, or may, at the option of the Minister or Deputy Minister be sold, or so much of them as may be necessary to pay the duty thereon, and the remainder of the goods and any surplus of the proceeds after paying the duty and all expenses of the seizure and sale, may be handed over to the owner of such goods, if known.

212. All goods not reported found on board of any vessel or landed, shall be seized and forfeited, unless it Goods not reappears that there was no fradulent intention, in which ported, forfeicase the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel, in order to pass any shoal or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk.

Vessel entering elsewhere than at port of entry; forfeiture and penalty.

213. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those of an innocent owner, shall be seized and forfeited, and the vessel, if of less value than eight hundred dollars, may be seized, and the master or person in charge thereof shall incur a penalty not exceeding four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel, may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

Vessel entering elsewhere than at port of entry; forfeiture and penalty.

214. If any vessel worth more than eight hundred dollars enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those of any innocent owner, shall be seized and forfeited, and the vessel may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

Vessel stopped in territorial waters, staving or throwing overboard goods, etc.; forfeiture.

215. If any person on board a vessel in territorial waters of Newfoundland which has been required to come to a stop by signal from any Government cruiser or vessel shall throw overboard, stave or destroy any part of the cargo or any documents relating to the vessel or cargo, such vessel shall be seized and forfeited.

- 216. (1) If any person smuggles or clandestinely in Smuggling or troduces into Newfoundland any goods subject attempting to defraud Custo duty or makes out or passes or attempts to toms; forfeipass, through the Custom House, any false, ture and penforged or fraudulent invoice, or in any way attempts to defraud the revenue either by evading the payment of the duty or any part of the duty or any tax on any goods or otherwise he shall be liable on summary conviction before any Stipendiary Magistrate to any or all of the following penalties:-
 - (a) The forfeiture of such goods if found or if not found a fine equal to the value of such goods as ascertained.
 - (b) A fine equal to the value of such goods as ascertained
 - (c) (1) A fine not exceeding two hundred dollars or in default of payment to imprisment not exceeding one year: or
 - (2) Imprisonment for a period not exceeding two years; or
 - (3) Both a fine not exceeding two hundred dollars and imprisonment not exceeding two years.
 - (2) And every person who aids or abets another in the commission of any of the offences mentioned in sub-section (1) of this section shall on summary conviction before any Stipendiary Magistrate be liable to any or all of the following penalties:
 - (a) A fine equal to the value of such goods as ascertained.

(b) A fine not exceeding two hundred dollars or in default of payment to imprisonment not exceeding one year, both fine and imprisonment.

Persons found committed: penalty.

217. Every person who is proved to have been on on board ves- board any vessel or boat liable to forfeiture (a) for sels where cer-having been found within territorial waters of Newfoundland, such vessel or boat having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, (b) for breaking bulk contrary to the provisions this Act, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which goods have unlawfully been brought into Newfoundland, shall incur a penalty of one hundred dollars if he has been knowingly concerned in any of such acts.

Procuring, hiring or inducing to com. mit breach of Act; penalty.

218. Every person who by any means procures, hires, or induces, any person or persons to be concerned in the landing, unshipping, carrying or conveying any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall for every person so procured, hired or induced, incur a penalty of one hundred dollars.

Dutiable or prohibited goods found on board vessel hovering, etc.; refusal to answer questions; penalty and forfeiture.

219. If upon the examination by any officer of the cargo of any vessel hovering in territorial waters of Newfoundland any dutiable goods or any goods the importation of which into Newfoundland is prohibited are found on board, such vessel with her apparel, rigging, tackle, furniture, stores and cargo shall be seized and forfeited and if the master or person in charge refuse to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting such vessel or her cargo or her voyage he shall be liable to a penalty of four hundred dollars.

220. Every one who obstructs or offers resistance to Resistance to any search of the person, authorized to be made by this search of the Act, or assists in so doing, shall incur a penalty of one alty. bundred dollars.

221. If, upon search of any vessel by any officer, any Goods found goods are found concealed on board, they shall be seized concealed on and forfeited, and if any mark, lock or seal upon any breaking locks, goods on board is wilfully altered, opened or broken penalty. before the delivery of the goods, or if any goods are secretly conveyed away, or if any hatchway fastened down by the officer is opened by the master or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid or satisfactory security is given for the payment thereof; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same.

board ship:

RESPECTING OFFICERS.

222. Every police or Customs officer who has de-Officer failing tained any goods, property, or vehicle, subject or liable to convey to forfeiture, and who neglects to convey the same to to Custom the Custom House, or to give notice of having stopped House; penthe same as herein prescribed, shall be liable, on summary conviction, to a penalty of one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding thirty days.

223. Every collector or other officer of Customs Officer of Cuswho allows the payment of duties of Customs to be toms permitavoided or deferred for any cause or consideration ting evasion of Act; penwhatsoever, except by regular entry for warehouse or alty. by bond given under this Act, shall be liable to a penalty equal to the full value of such goods and the duty accruing thereon, which shall be recoverable in

court of competent jurisdiction, from him or his sureties, or either of them; and any goods on which payment of duty has been so avoided or deferred shall be liable to seizure and be dealt with as goods unlawfully imported into Newfoundland.

Officer of Customs acting persons giving or offering bribes: penaltv.

224. Every officer of the Customs and every percollusively, or son employed with the concurrence of the Governor in taking bribes; Council for the prevention of smuggling, who makes any collusive seizure, or delivers up or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or nonperformance of his duty, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months, and shall be incapable of serving His Majesty in any office whatsoever; and every person who gives, offers or promises to give, or procures to be given, any bribe, rccompense or reward to, or makes any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act or any law relating to the Customs, trade, or navigation may be evaded, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months.

225. If any officer requires any person to be search-Officer requiring search of person without ed without reasonable cause, such officer shall incur a penalty not exceeding forty dollars, which may be reasonable cause; pensued for and recovered summarily by the person agalty. grieved.

RESPECTING FALSE ENTRIES AND DOCUMENTS

226. If any person makes, or sends, or brings into

Newfoundland, or causes or authorizes the making, Making or sending or bringing into Newfoundland, any invoice or bringing in paper, used or intended to be used as an invoice for renders pur-Customs purposes, in which any goods are entered or chase price uncharged at a less price or value than that actually recoverable. charged or intended to be charged for them, or in which the goods are falsely described, or in which all information required by this Act, or by regulations lawfully made thereunder, is not given or is not truly given, no sum of money shall be recoverable by such person, his assigns or representatives, for the price of such goods or any part thereof or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of such goods or any part of such price.

227. Every importer of goods into Newfoundland, Presenting and every person acting before the Department of Cus- false invoices; toms on his behalf, and every person who assists or is penalty. otherwise concerned in the importing, who presents or causes to be presented with intent to make entry thereunder or furnishes or delivers on his own behalf or on behalf of another to any person for the purpose of presentation, any false or fraudulent invoice, such as described in the next preceding section, or any invoice not giving, or not truly giving, all information required by this Act or by Regulations lawfully made thereunder to be given, shall be liable to any one, two or all of the following penalties:

- (a) An amount equal to the value of the goods represented in such invoice, and the goods shall also be seized and forfeited.
- (b) A fine equal to the invoice value of such goods plus the duty paid value of such goods as ascertained.

(c) A fine not exceeding four hundred dollars or in default of payment to imprisonment not exceeding one year or to both fine and imprisonment.

False entry; forfeiture.

228. If any entry passed at any Custom House is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included or which ought to have been included in such entry, shall be forfeited.

Making false documents; penalty.

229. Every person who counterfeits, falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement procures such document, knowing the same to be so forged or counterfeited, or forges or counterfeits any certificate relating to any oath or declaration or affirmation hereby required or authorized, shall be guilty of a misdemeanor.

230. Any person who without lawful excuse, the Bringing in false bill-headsproof of which shall be on the person accused, sends or blanks, etc.; brings into Newfoundland, or who, being in Newfoundpenalty. land, has in his possession any bill-heading or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice and bearing any certificate purporting to show or which may be used to show that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months in the discretion of the Court. and the goods entered under any invoice made from Refusal to sup-

ply accommodation, etc., 231. If any master or owner or other person for for tidewaiter; the time being in charge of any vessel, or in charge of

any cargo deposited in any warehouse in which any tidewaiter or other Customs officer lawfully is, shall refuse to supply for such tidewaiter or other officer suitable board, maintenance and accommodation, he shall incur a penalty not exceeding one hundred dollars, and in default of payment shall be liable to imprisonment for a period not exceeding one month, or both fine and imprisonment, and to satisfy such penalty with costs of procedure such vessel or cargo may be detained or seized, and, after thirty days from conviction, sold to satisfy the same; the balance, if any, after deducting such penalty and costs, may be returned to the owner or master, or person in charge as aforesaid.

RESPECTING THE PRODUCTION OF INVOICES. BOOKS AND ACCOUNTS.

232. If any person required under Section 159 of this Act to produce and hand over invoices, bills, ac- Failure to procounts and statements, or to produce for inspection auce docubooks of account, ledgers, day-books, cash-books, let-mand; penter-books, invoice-books and other books, documents or papers, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding five thousand dollars.

RESPECTING THE TAKING AWAY OF GOODS UNDER SEIZURE.

233. Every person who, whether pretending to be Unlawfully the owner or not, either secretly or openly and whether taking away with or without force or violence, takes or carries away goods seized, any goods, vessel, vehicle, or other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same or of some competent authority, shall be deemed to have stolen such goods, being the property of His Majesty, and shall be guilty of felony.

etc.: penalty.

RESPECTING THE STOPPING OF VESSELS.

234. Every master or person in charge of any ves-Refusal to sel, and every driver or person conducting or having stop on being charge of any vehicle or conveyance who refuses to called upon; penalty. stop such vessel, vehicle or conveyance when required so to do, in the King's name, by an officer of Customs or person employed as such, and every person who is present at any such seizure or stoppage and who, when called upon in the King's name by such officer or person to aid and assist him in a lawful way, refuses so to do, shall be liable on summary conviction to a penalty of two hundred dollars, and in default of payment to

RESPECTING OFFERING GOODS FOR SALE AS PROHIBITED OR SMUGGLED.

imprisonment for a term not exceeding six months.

Offering for tended to be smuggled; penalty and forfeiture.

235. If any person offers for sale any goods under sale goods pre-pretence that the same are prohibited, or have been unshipped and run on shore, or brought in by land or otherwise, without payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited, and every person who offers the same for sale shall be liable on summary conviction, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and in default of payment to imprisonment for a term not exceeding sixty days.

RESPECTING BREACH OF REGULATIONS.

Goods improperly shipped, unshipped, imported, exor conveyed; and vehicles or vessels: penalty and forfeiture.

236. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulations made by the Governor in Council, and all goods ported, carriedor vehicles and all vessels under the value of four hundred dollars with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized; and if such vessel is

of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and keeping and selling such vessel; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner and before the same court and tribunal as if incurred by the violation of any provisions of this Act.

RESPECTING REFUSAL TO ANSWER QUESTIONS

237. Every person required by this Act or by any Refusal to other law to answer questions put to him by any officer answer quesof the Customs, who refuses to answer or does not truly tions of Customs officers; answer such questions, shall, in addition to any other penalty. penalty or punishment to which he is liable, incur a penalty of four hundred dollars.

RESPECTING OFFENCES OF VIOLENCE

238. Every person who, under any pretence, either by actual assault, force or violence, or by threats of Resisting offisuch assault, force or violence, in any way resists, op-toms; penalty. poses, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act or any other law in force in Newfoundland relating to Customs, trade or navigation, or who wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to His Majesty, or in the service of Newfoundland, or maims or wounds any officer of the army, navy, marine or Customs, or any person acting in aid or assistance of such officer, while duly employed for the prevention of smuggling, and in execution of his or their duty, and every person who is

found with any goods liable to seizure or forfeiture under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, and every person who staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom house or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, shall be guilty of felony.

RESPECTING OFFENCES GENERALLY

General penalty section.

239. In all cases in which no fine, penalty or forfeiture is imposed or provided for by this Act for a breach or violation of any of the provisions thereof, or of any regulation lawfully made under this Act, every person offending against the same in any way shall forfeit and pay a sum not exceeding two hundred dollars, to be recovered and appropriated in like manner as other fines and penalties are under this Act.

PROCEDURE.

Recovery of penalties.

240. All offences committed against this Act, or against any regulation lawfully made thereunder, and all penalties and forfeitures incurred thereunder, may be prosecuted, sued for and recovered in the Supreme Court in Admiralty, or upon information and without a jury in the Supreme Court, or before a Stipendiary Magistrate: Provided that either party to any such cause shall, in the Supreme Court, have the right, upon application, to have a jury for the trial thereof as in ordinary cases of felony or misdemeanor, according to the charge involved.

241. No suit shall be commenced for the recovery Who may proof any penalty or forfeiture under this Act, except in ceed, and within what time. the name of the Minister of Finance and Customs, or in the name of His Majesty's Attorney or Solicitor General for Newfoundland, and within three years after the said offence has been committed, and in the information, declaration, statement of claim, or other proceedings, any number of charges for offences against this Act may be included against the same offender or offenders.

242. Any Judge of the Court in which any prosecution or suit is brought for the recovery or enforce-Arrest of defendant likely ment of any penalty or forfeiture as aforesaid, may to leave the upon being satisfied by affidavit that there is reason to country. believe that the defendant is about to leave Newfoundland without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest of such defendant and his detention in a common gaol until he has given security before and to the satisfaction of such Judge, or some other Judge of the same Court, for the payment of such penalty, with costs, in case judgment is given against him.

243. In any declaration, information, statement of claim, or proceeding in any such prosecution or suit, it Manner of stating charge; shall be sufficient to state the penalty or forfeiture in- averments. curred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of Customs shall be sufficient prima facie evidence of the fact alleged, and no person shall be disqualified as a witness by reason of interest.

244. In every prosecution, information, suit or Costs. proceeding brought under this Act for any penalty, or to declare or enforce any forfeiture or upon any bond

given under it, or in any matter relating to the Customs, or to trade or navigation, His Majesty or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by capias ad satisfaciendum against the person of the defendant under the same conditions and in like manner.

Nolle prosequi. 245. If in any case the Minister of Justice in Newfoundland is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a nolle prosequi on such terms as he sees fit, which shall be binding on all parties; and the entry of such nolle prosequi shall be reported to the Minister of Finance and Customs with the reasons therefor.

Averments to place of commission of forfeiture as aforesaid, or for an offence against this offence.

Act, or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed, within the limits of any district, port or place, shall be sufficient evidence of the fact without proof of such limits, unless the contrary is proved.

Damages and costs where certificate of probable cause.

247. If in any prosecution, information or suit respecting any seizure made under this Act, or any law relating to the Customs, decision or judgment is given for the claimant, and if the Judge or Court before whom the cause has been tried or brought, certifies that there was probable cause for seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other

suit or prosecution on account of such seizure, and if any action, indictment, or other suit or prosecution is brought against any person on account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages or to any costs, nor shall the defendant in such prosecution in such ease be fined more than ten dollars.

248. If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law re-Onus of proof lating to the Customs or to trade or navigation, and any of certain matquestion arises as to the identity or origin of the goods defendant. seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods, and not on the Crown, or on the person bringing such prosecution or suit.

249. Whenever under any provision of this Act any Seizure to be penalty may be recovered or any forfeiture may be en-deemed to be forced by action, suit or proceedings, the seizure by an the commenceofficer of Customs or person acting in his aid of the goods ment of action in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding.

250. Every person who desires to claim anything seiz-claims to ed after proceedings for condemnation thereof have been things seized; commenced, shall file his claim in the Registry of the Supreme Court or in the office of the Magistrate, as the case may be; and such claim shall state the name, residence and occupation or calling of the person making it, and shall be accompanied by an affidavit of the claimant or his

agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized.

Claimant to give security.

251. Before any such claim can be filed the claimants shall give security to the satisfaction of the Court or a Judge thereof by bond in a penal sum of not less than two hundred dollars or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation.

Claim, how to be entered.

252. No claim to anything seized under this Act and returned to His Majesty's Courts for adjudication shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and any person making a false oath thereto shall be deemed guilty of a misdemeanor, and be liable to the pains and penalties to which persons guilty of a misdemeanor are ordinarily liable.

Limitation of actions and suits.

253. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed or the cause of prosecution or suit arose, but not afterwards.

Witness may be brought in on summons or warrant.

254. In any proceeding for any penalty or forfeiture, the Court, Judge or Magistrate may compel the appearance of any witness by warrant, either in the first instance, or upon a summons to such witness being disobeyed.

Onus of proof.

255. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry

of any goods have been complied with and fulfilled, shall in all cases lie upon the person whose duty it was to comply with and fulfill the same.

256. The production or proof of the existence of any Prima facie invoice, account, document or paper made or sent by any evidence in person or by his authority, wherein the goods or any of certain cases. them are charged or entered at or mentioned as bearing a greater price than that set upon them in any other invoice, account, document or paper intended to cover the same goods or any part thereof, made or sent by the same person or by his authority, or in which the goods or any of them are given a different name or description from that stated in any other such invoice, account, document or paper, or in which the goods are falsely described, shall be prima facie evidence that the invoice, account, document or paper wherein is stated a lesser price, or the false or incorrect name or description of the goods, was intended to be faudulently used for Customs purposes; but such intention or the actual fraudulent use of such invoice, account, document or paper may be proved by any other legal evidence.

APPEALS

257. If either party in any proceedings shall feel himself aggrieved by any judgment, order or conviction of a Appeals: Magistrate or Justices of the Peace, he shall have liberty security. to appeal to the then next sitting of the Supreme Court, provided notice of appeal be given to the Magistrate within four days after such judgment, order or conviction shall have been made or given; and, if required by such Magistrate or Justices of the Peace, recognizance or other security, with or without sureties (save in the case provided in Section 258 of this Act) shall be entered into to abide by the judgment of the Supreme Court thereon. Upon any such appeal to the Supreme Court, it may give such judgment or make such order or conviction as it may deem

fit, or may remit the matter to the Magistrate or Justices of the Peace for re-hearing or reconsideration, as may be ordered, and any such judgment, order or conviction made by the said Court shall take effect in the same manner as if the same had been given or made by such Magistrate or Justices of the Peace.

Attorney Gen. eral or Customs officer security.

258. If the appeal is brought by His Majesty's Attorney General, or a collector or officer of the Customs, it need not give shall not be necessary for him to give any security on such appeal.

Restoration of ant pending appeal.

259. In any case in which proceedings have been instigoods to claim-tuted in any Court against any vessel, vehicle, goods or things, for the enforcement of any penalty or forfeiture under this Act, or any law relating to the Customs or to trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof shall not be suspended by reason of any appeal from such decision or judgment if the claimant gives sufficient security, approved of by the Court or a Judge thereof, to render and deliver the thing in question, or the full value thereof, to the appellant in case the decision or judgment so appealed from is reversed.

Certiorari or habeas corpus.

260. No writ of certiorari shall issue to remove any proceeding under this Act, nor shall any writ of habeas corpus or judge's order issue to bring up the body of any person who shall have been convicted before any Magistrate under this Act, unless the party against whom such proceedings shall have been directed or who shall have been so convicted, or his attorney or agent, shall state by affidavit in writing duly sworn, the grounds of objection to such proceedings or conviction; and upon the return to such writ of certiorari or habeas corpus or judge's order, no objection shall be entertained other than such as shall have been stated in such affidavit; and any Magistrate shall and may amend any information, conviction, or warrant of commitment for any offence under this Act at any time, whether before or after conviction.

261. No such writ or order shall issue without notice Certiorari or in writing to the Minister of Finance and Customs, and no pus not to isreturn to any such writ or order shall be considered by the sue without Supreme Court or any Judge thereof, unless there shall be ister. produced to the Court or Judge an affidavit in writing, duly sworn, stating that notice of the issue of such writ or order was given to the Minister of Finance and Customs, or left at his office, four clear days before the return of such writ or order; and with respect to all such writs or orders there shall be an interval of four clear days at least, between the day of issue and the day of the return thereof; and any such writ or order issuing without notice, or not in conformity with the direction herein contained, shall be void to all intents and purposes.

262. In any case in which any person shall be duly Court may convicted before any Magistrate of any offence against this vary convicted. Act, and application shall be made to the Supreme Court tence. or a Judge thereof to set aside the sentence or order of such Magistrate, whether for imprisonment, penalty, fine or forfeiture in respect of such offence, on the ground of excess, irregularity, or omission, or other error in such sentence or order, the Court or Judge shall have power to correct or amend the said sentence or order and to substitute therefor such sentence or order as might lawfully have been imposed or made by such Magistrate in respect of such offence, and such corrected or substituted sentence or order shall take effect in the same manner as if the same had been duly imposed or made by such Magistrate or Justice.

REGULATIONS

263. The Governor in Council may from time to time and in the manner hereinafter provided, in addition to the Power of Governor in Counother purposes and matters in this Act mentioned, make cil to make regulations for or relating to the following purposes and regulations generally. matters:

- (a) For regulating and declaring what allowances shall be made for tare on the gross weight of goods.
- (b) For declaring what shall be coasting trade, and how the same shall be regulated in any case or class of cases, and for relaxing or dispensing with any of the requirements of this Act as to vessels engaged in such trade, on any conditions which he sees fit to impose.
- (c) For appointing places and ports of entry, and warehousing and bonding ports, and respecting the personal baggage of travellers coming into Newfoundland or returning thereto, or passing through any portion thereof.
- (d) For regulating the importation of spirits, wine and malt liquors, or other goods which require to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered.
 - For authorizing the appointment of warehouses and the conduct of the same, the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing such goods therefrom, and the amount of warehouse rent or license fees.
- (f) For extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another.

- (g) For regulating the form in which transfers of goods in warehouse or bond from one person to another shall be entered.
- (h) For exempting goods from duty as being the growth, produce or manufacture of the Dominion of Canada, if such exemption is provided for by any Act relating to Customs and for regulating the mode of proving such exemption.
- (i) For transferring to the list of goods which may be imported into Newfoundland free of duty, any or all articles (whether natural products or manufactures) used as materials in Newfoundland manufactures; and any such materials transferred to the free list by such Order in Council shall be free of duty of Customs for the time therein appointed for that purpose.
- (j) For granting a drawback of the whole or part of the duty paid on articles which have been used in Newfoundland manufactures, or for granting a certain specific sum in lieu of any such drawback.
- (k) For prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed.
- (1) For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with such person in any matter relating to the Customs or to trade or navigation; and such bonds, and all bonds taken with the sanction of the Minister of Finance and Cus-

toms, expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into under this Act, or any other law relating to the Customs.

- (m) For regulating the trade between Newfoundland and St. Pierre and Miquelon in vessels under fifteen tons.
- (n) For any other purpose for which by this Act, or any other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or regulations.

And the Governor in Council may, if he deem it expedient, make general regulations in any matter in which he may make a special order; any such general regulation shall apply to each particular case within the extent and meaning thereof as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and persons had been specially named therein.

Commencement and duration of effect of Regulations.

264. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same are published in the Newfoundland Gazette or from and after such later day as is appointed for the purpose in such regulations, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same are revoked or altered.

Regulations regarding mutime prohibit the exportation or the carrying coastwise nitions of war.of the following goods: arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being

converted into or made useful in increasing the quantity of military or naval stores, or for purposes of hostility, or destruction in war, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited are exported, carried coastwise, or by inland navigation, or water-borne, or laden in any

railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited.

OATHS.

266. Whenever the person required to take any Affirmation oath under any Act or regulation relating to the Cus- may be taken instead of toms is one of the persons entitled by law to take a oath. solemn affirmation instead of an oath in civil cases, such person may, instead of the oath hereby required, make a solemn affirmation to the same effect; and every person before whom any oath is by any such Act or regulation required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same.

267. Every oath required under the provisions of this Act, connected with the entry of goods, may be Oaths; before made in Newfoundland before the collector or chief whom taken. clerk at the port where the goods are entered, or if the person making such oath is not resident there, then before the collector or proper officer of some other port, and when such oath is required to be made out of the limits of Newfoundland, it may be made at any place within the United Kingdom, or at any place in His Majesty's possessions abroad, before the collector or before the mayor, or other chief municipal officer of the place where the goods are shipped, or before a notary public, and at any other place before a British Consul or a notary public: Provided that in the case of Customs entries made in St. John's where a form of oath is duly signed by the importer or by his attorney or by both the importer and his attorney and has been pre-

sented to the Customs and a facsimile or stamped signature of either the collector or assistant collector has been impressed thereon by an officer generally authorized by the collector or assistant collector for that purpose, such oath shall be deemed for all purposes both civil and criminal to have been duly taken and sworn before such collector or assistant collector.

Oaths; who may take.

268. The Minister of Finance and Customs, or the person acting as deputy head of the department, and all officers holding the rank of collector or preventive officer in the said department, and all duly appointed inspectors of Customs' ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and also to administer all oaths of allegiance and of office, required by this Act to be taken by Customs officers: and the Governor in Council may from time to time by regulation appoint or designate such other and additional persons, officers or functionaries as he sees fit, by name or by their name of office, in Newfoundland or out of it, as those before whom such oaths may be validly taken, and may by any Order in Council release or dispense with the provisions of this Act touching oaths, affirmations and declarations required or authorized by this Act.

Oaths. Governor 269. Any oath or declaration which the Governor nor in Council Council deems necessary to protect the revenue may prescribe against fraud may, in any regulation made by him under this Act, be prescribed, and any person or officer may be authorized to administer the same; and by any such regulation a declaration may be substituted for an oath in any case in which an oath is required by this Act.

Oaths, Governor in Council may prescribe the nor in Councilforms of oaths required under this Act; such forms may prescribe, may from time to time be repealed or amended, and

the forms of oaths authorized by statute or by the Governor in Council at the time of the coming into force of this Act shall continue to be the authorized forms until altered or dispensed with by the Governor in Council.

BONDS AND SECURITIES.

271. All bonds and securities, of what kind and nature soever, authorized to be taken by any law re-securities, how lating to Customs, trade, or navigation, shall be taken to be taken. to and for the use and benefit of His Majesty; and such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or bonds is required.

DOCUMENTS AND PAPERS. FORM OF

272. All bonds, documents and papers necessary Documents for the transaction of any business at the respective and papers, Custom Houses or places or ports of entry in Newfound-Governor in Council may land shall be in such form as the Governor in Council prescribe form from time to time directs.

REPEAL

273. The Statutes mentioned in Schedule C to this Act are hereby repealed to the extent shown in the third column of such Schedule and all Acts in which reference is now made to the Acts mentioned in Schedule "C" shall be read and construed as if the said reference was to this Act.

SHORT TITLE

274. This Act may be cited as The Customs Act, 1933.

Schedule A.

SCHEDULE A. Passengers (Inwards)

Name	Where Born	Age	Whence	Purpose or Object

Passengers on board the (Date of arrival and port).

from

Master.

SCHEDULE B. Passengers (Outwards)

Schedule B.

Name	Where Born	Age	Late Residence in Nfld.	Destination
	- Angeles and the second secon			

Passengers embarking on the bound to (Date and port of departure).

Master.

SCHEDULE C.

Enactments Repealed

Session and Chapter	Title or Short Title	Extent of Repeal
1. Consolidated Statutes (Third Series) Chap. 22	Of the Customs.	The whole Chapter.
2. 12 & 13 Geo. V. Cap. 22.	An Act to amend Chapter 22 of the Consolidated Statutes entitled "Of the Customs."	The whole Act.
3. 12 & 13 Geo. V. Cap. 23.	An Act to further amend Chapter 32 of the Consoli- dated Statutes entitled "Of the Customs."	The whole Act.
4. 14 Geo. V. Cap. 13.	An Act to amend Chapter 22 of the Consolidated Statutes (Third Series) entitled "Of the Customs."	The whole Act.
5. 15 Geo. V. Cap. 34.	The Revenue Act, 1925.	Section 14.
6. 16 & 17 Geo. V. Cap. 32.	An Act to amend Chapter 22 of the Consolidated Statutes (Third Series) entitled "Of the Customs."	The whole Act.
7. 19 Geo. V. Cap. 14.	An Act to amend Chapter 22 of the Consolidated Statutes (Third Series) entitled "Of the Customs."	The whole Act.
8. 20 Geo. V. Cap. 27.	An Act to further amend Chapter 22 of the Consoli- dated Statutes (Third Ser- ies) entitled "Of the Cus- toms."	The whole Act.
9. 21 Geo. V. Cap. 25.	An Act to further amend Chapter 22 of the Consoli- dated Statutes (Third Ser- ies) entitled "Of the Cus- toms."	The whole Act.
10. 22 Geo. V. (Second Session) Cap. 37	An Act to amend Chapter 22 of the Consolidated Statutes (Third Series) entitled "Of the Customs."	The whole Act.

CAP. LVIII.

AN ACT RESPECTING AN AMENDMENT TO THE ACT 22 GEORGE V. (SECOND SESSION) CHAPTER 41, ENTITLED "AN ACT TO PROVIDE FOR THE ADDITION OF A TEMPORARY SURTAX TO CUSTOMS AND EXCISE DUTIES AND IMPORT TAXES."

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 3 of the Act 22 George V. (Second Session) Chapter 41 is hereby amended by striking out the figures "1933" and substituting therefor the figures "1934."

$CAP.\ LIX.$

AN ACT FOR THE CONSOLIDATION AND AMEND-MENT OF THE ACTS RELATING TO A TAX ON GOODS IMPORTED INTO NEWFOUNDLAND.

(Passed July 7, 1933)

SECTION

- 1.—Tax on Invoice cost of goods imported.
- 2.—Tax on goods to be used in manufactures.
- 3.-Manner of payment and collection.

SECTION

4.—Tax recoverable as debt due to His Majesty.

5.—Powers of Minister Finance; Regulations.

6.—Repeal 7.—Short Title.

Schedule A.

Schedule B

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

1. Except as provided for in Section 2 of this Act, Tax on Invoice cost there shall be assessed, levied and paid upon all goods of goods imported into this Dominion a tax of seven and one-half imported. per centum of the invoice cost of the goods. For the purposes of this Section the invoice cost in all cases shall be held to be the cost of the said goods, free on board, at the seaport of the country from which they were exported directly to this Dominion. Articles enumerated in Schedule "A" hereof shall not be subject to the aforesaid tax.

2. There shall be assessed, levied and paid upon all Tax on goods such goods as are imported into this Dominion by manu- to be used in manufactures. facturers to be used in the manufacture of their goods; the following taxes:

- (a) upon articles which are used in the manufacture of goods paying excise duty, a tax of three and
 - three-quarters per centum on the invoice cost of the goods;
- (b) upon articles which are used in the manufacture of any other goods a tax of four and one-half per centum on the invoice cost;
- (c) the Governor in Council shall have power to decide what articles may be used in the manufacture of goods as mentioned in the above sub-sections (a) and (b).

This section shall not apply to the articles enumerated in Schedule B hereof.

Manner of payment and collection.

- 3. The aforesaid taxes shall be payable to His Majesty's Customs and shall be collected in the same manner as Customs' duties are now paid and collected; and the provisions of the Customs and Revenue Acts shall, subject to this Act, apply in the case of goods taxable under this Act as if made a part thereof.
 - (2) The Minister of Finance and Customs may prescribe such forms of bills of entry, warrants, declarations and other documents as he may deem fit for the purposes of the admission of goods taxed hereunder and the collection of the tax thereon.

Tax recoverable as debt due to His Majesty.

4. All taxes assessed and imposed under the provisions of this Act shall be recoverable as debts due to His Majesty from the person upon whom they are assessed or imposed and may be sued for and recovered in the name of His Majesty.

- 5. The Minister of Finance and Customs shall have Powers of the administration of this Act and the control and man- Finance; agement of the collection of the taxation levied hereby, Regulations. and of all matters incident thereto, and of the officers and persons employed in the service. The Minister may make any regulations deemed necessary for carrying this Act into effect.

 - 6. The following Acts are hereby repealed:—

Repeal.

- 15 George V., (Second Session) Cap 33;
- 17 George V., Cap 34;
- 20 George V., Cap. 28;
- 21 George V., Cap. 26;
- 22 George V., (Second Session) Cap. 38.
- 7. The word "Item" in Schedule A hereto refers to Schedule A. the Items in the Customs Tariff under the Revenue Act.
- 8. This Act may be cited as the "Tax on Goods Act, Short title. 1933.''

SCHEDULE A

Goods exempted by Act of the Legislature from taxes, duties or other charges.

Goods imported for trans-shipment or export out of the Dominion.

All coal for operation of, and materials for use solely for repairs, and upkeep of mills, transportation, plant

and accessories, for the manufacture and conveyance of paper and pulp.

Currants and sultana raisins, the products of Greece, when purchased in and imported directly from Greece.

All articles named in Items 2, 15, 30, 36, 37, 39, 205, 227 (a), 272 (a).

The following articles named in Item 55: Apples, (raw) oranges, lemons, limes, grapes, peaches, pears, plums, apricots, bananas, cherries, gooseberries, currants, strawberries, pineapples, pomegranates, guavas, shaddocks, mangoes and similar green fruits.

Articles covered by that portion of Item 86 reading: (Coal) "When imported or brought into any port or place in this Dominion (other than St. John's, Harbour Grace, Carbonear, Placentia or Heart's Content) to be used solely for domestic purposes, and on such Importer entering into a sufficient bond, with sureties, that such coal or any part thereof shall not be sold for other than domestic purposes."

Articles covered by that portion of Item 101 reading: "Kerosene Oil and Refined Petroleum and Gasoline."

Goods non-dutiable by the Revenue Act.

The following articles named in Item 242: Antitoxin, insulin, and similar preparations.

SCHEDULE B.

Goods exempted by Act of the Legislature, other than the Revenue Act, from taxation.

Cotton and hemp yarn or twist, and cutch and bark extract for tanning nets, lines and twines, used in the manufacture of goods similar to those which are exempted from duty under the Revenue Act, 1925, and amendments thereto up to the present date.

CAP, LX.

AN ACT TO AMEND CHAPTER 23 OF THE CON-SOLIDATED STATUTES (THIRD SERIES) EN-TITLED "OF THE AUDITING OF PUBLIC ACCOUNTS."

(Passed July 7, 1933)

SECTION

1.—Amendment re Temporary Loans.

SECTION

2.—Amendment re expenditures not voted by the Legislature

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Temporary Loans.

- 1. Section 8 of Chapter 23 of the Consolidated Stat-Amendment re utes (Third Series) entitled "Of the Auditing of Public Accounts' as re-enacted with amendments by the Act 22 George V. Chapter 14 is hereby further amended by striking out sub-section 2 thereof and substituting therefor the following:
 - (2) Any sum may be raised by temporary loan in the manner and subject to the conditions aforesaid for the purpose of paying off other temporary loans raised under this Chapter, whether such loans were raised before or after the passing of this amendment.

Amendment re expenditures not voted by the Legislature.

- 2. Sub-section (b) of section 33 of the said Chapter is hereby repealed and the following substituted therefor:
 - (b) If when the Legislature is not in session any expenditure not foreseen and provided for by the Legislature is urgently and immediately

required for the public good the following provisions shall have effect:

- i. If the subject of expenditure is one for which the Legislature has made provision, but owing to unforeseen circumstances such provision is found to be insufficient and all moneys provided by the Legislature have been expended or liabilities have been incurred which will take up the whole of such moneys, and provided that no surpluses are available on other sub-heads of the vote of the Department concerned, which, subject to Treasury sanction, are available to meet a deficiency on the subhead of the vote which is concerned, then upon the report of the Minister of Finance and Customs that there is insufficient legislative provision and that no transferable surpluses are available, and of the Minister having charge of the service in question that the necessity is urgent, and with the approval of the Controller of the Treasury, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor, for the issue of the amount estimated to be required, which amount shall be added to the vote already made for the subject in question.
- (ii) If the subject of expenditure is one for which no legislative provision has been made, then upon the report of the Minister of Finance and Customs that there is no legislative provision and of the Minister having charge of the service in question, that in his opinion the necessity is urgent, giving reasons for his opinion, and that if

such expenditure is not forthwith made, very grave damage to persons or to property or to the interests of the Crown or the public will occur, or excessive additional expense will result from delaying the expenditure until the meeting of the Legislature, and upon the report of the Controller of the Treasury to the same effect, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor for the issue of the amount estimated to be required. An additional sub-head shall be set up in the books of the Department under which the expenditure is to be made, against which cheques shall issue from time to time under letters of credit authorized under Section 4 hereof.

- (iii) In every case under paragraphs (1) and (ii) the Minute of Council authorizing the special warrant shall quote the special reasons therefor, and, together with the report of the Minister and the Controller of the Treasury, shall be laid on the table of the House of Assembly, within ten days after the commencement of the next ensuing session.
- (iv) Where the above-mentioned procedure has been carried out, the issue by the Controller of the Treasury and the Auditor General of special letters of credit against the moneys so provided shall be lawful.
- 3. Section 2 of this Act shall have effect for one year only, from July 1st, 1933, to June 30th, 1934.

CAP. LXI.

AN ACT RESPECTING AN AMENDMENT TO THE ACT 20 GEORGE V., CAP. 36, ENTITLED "AN ACT RESPECTING A TAX ON CERTAIN INCOMES."

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Paragraph (b) of sub-section (2) of section 2 of the Act 20 George V., Chapter 36, entitled "An Act respecting a Tax on Certain Incomes" is hereby repealed and the following substituted therefor:—
 - (b) Losses not connected with the trade or business, and not compensated for by insurance or otherwise; provided that such losses are incurred in a transaction entered into for profit, and provided that the nature of the transaction is such that had it resulted in a profit instead of a loss, such profit would have been liable to income tax under this Act.
- 2. Paragraph (h) of sub-section (2) of Section 2 of the said Act is hereby repealed and the following substituted therefor:—
 - (h) In estimating the net income, no allowance shall be made in respect of any shrinkage in the value of securities, nor of any capital loss incurred when securities are sold or otherwise disposed of. And in computing net income there shall be allowed the following exemptions:—

- 3. Paragraph (s) of sub-section (2) of section 2 is hereby amended by adding after the words "which does not do business with the public in this Colony" the words "Provided that the Assessor may accept for taxation as a Personal Holding Corporation a corporation having more than five shareholders or having one or more resident shareholders, if he is satisfied that the corporation is in the nature of a Personal Holding Corporation and is not a Trading Corporation; but no resident shareholder in any such corporation shall receive the benefit of section 2 of the Act 21 Geo. V., Cap. 24."
- 4. The Governor in Council may from time to time make regulations for the better definition of companies coming within the definition of a Personal Holding Corporation, and for determining whether any corporation coming under such definition is or is not to be entitled to the benefits of paragraph (r) of sub-section (2) of section 2 of this Act.

CAP. LXII.

AN ACT RESPECTING A BONUS ADDITION TO PENSIONS UNDER "THE WAR PENSIONS ACT. 1922"

(Passed July 7, 1933)

SECTION 1.—Payment of bo nus additions to pensions.

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Anything to the contrary in the Act 12-13 George Payment of V., Chapter 20, and the Acts in amendment thereof, not-bonus addiwithstanding, the bonus payments set forth in the Sched-tions to pensions. lues A and B to the said Act shall be paid to the thirtieth day of June, one thousand nine hundred and thirty-four, subject however to the provisions of an Act passed at the present Session of the Legislature relating to the reduction of War Pensions.

CAP, LXIII.

AN ACT RESPECTING CERTAIN RETIRING ALLOWANCES.

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. The following annual allowance shall be made to the following persons during their lifetime, namely:

Mrs. Bessie McGregor, Customs Housekeeper\$	653.57
Miss H. B. March, Postmistress	198.45
Fred Collier, Keeper Kerosine Oil Store	286.88
Martin Bulger, Customs Messenger	252.24
Henry J. Duder, Ex Deputy Minister of Agri-	
culture and Mines	2,349.09
John Burridge, Ex Surveyor	539.49
Miss A. Whelan, Charwoman	240.00
Albert J. Bayly, Secretary of Agriculture	1,630.80
Michael Maddigan, Caretaker, Lunatic Asylum	546.24
Solomon P. Whiteway, Ex Principal, Normal	010.1
School	1,064.00
Danl. Hiller, Ex Tidewaiter	222.48
George McDonald, Ex Tidewaiter	320.00
Mrs. M. A. Baker, Ex Postmistress	12.15
Mrs. Thos. Fewer, Ex Postmistress	17.82
	17.00
Lorenzo Collins, Ex Postmaster	
Dr. A. McDonald, Ex Magistrate Grand Bank	417.65
Mrs. M. Gould, Ex Postmistress	52.65
Arthur O'Leary, Ex Customs Official	133.82
Miss K. Leahey, Telegraph Operator	170.10
George Harris, Ex Postmaster	20.50

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Ambrose J.	Fitzgerald, Ex Relieving Officer	52.65
Jos. Bursey	, Fog Alarm Keeper	272.16
Samuel Mil	ls, Customs Official	123.75
H. L. Pear	ce, Postmaster	337.50
	nards, Posts and Telegraph Dept	358.02
Mrs. M. Da	vis, Ex Postmistress	60.00
Mrs. B. Rol	bins, Ex Postmistress	48.00
Mrs. Annie	Miller, Charwoman, Museum Bldg	92.00
Saml. P. Ca	amp, Ex Postmaster	63.00
) 		\$10,552.01

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CAP. LXIV.

AN ACT RESPECTING AN AMENDMENT TO "THE WAR PENSIONS ACT, 1922"

(Passed July 7, 1933)

SECTION

- Scale of reduction to pensions to ex-members of forces resident in Newfoundland.
- Scale in the case of exmembers of forces residing outside Newfoundland, minimum.
- 3.—Moneys to which reduction applicable.

SECTION

- 4.—Reduction of pensions to dependents.
- 5.—Retroactive validation of reductions.
- 6.—Pensions in respect of wives married or children born after date of Act.
- 7.—Powers of Governor in Council.

WHEREAS by reason of the deficiency of the public funds it has become necessary to reduce the amounts payable to pensioners under the Act 12 and 13 Geo. V. Cap. 20, entitled "An Act Respecting War Pensions" and the Acts in amendment thereof;

AND WHEREAS in September, 1932, the Governor in Council by an order reduced the said pensions according to the scale hereinafter mentioned:

AND WHEREAS it is expedient to confirm, ratify and continue such reduction;

Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:

Scale of reduction to pensions to

ex-members of forces resident Newfoundland, the total sum payable to any pensioner outside Newfoundland, minimum.

1. In the case of ex-members of the forces residing in payable to any pensioner outside Newfoundland, shall be reduced (except as hereinafter shown) according to the following scale:

- (1) Pensions up to \$200.00 a year, no reduction:
- (2) Pensions from \$201.00 to \$360.00, 15% reduction:
- (3) Pensions from \$361.00 to \$1,000.00, 20% reduction:
- (4) Pensions from \$1,001.00 to \$1,500.00, 25% reduction:
- (5) Pensions of \$1,501.00 and upwards, 30% reduction.

Provided however that in no case shall the total sum be reduced to less than \$200.00.

2. In the case of ex-members of the forces residing Scale in the outside of Newfoundland the pension shall be payable case of ex-members of Forces less thirty-three and one-third per cent. reduction; pro-residing outvided however that no such pension be reduced below side New-\$200.00 reckoned in money of Newfoundland.

foundland; minimum.

3. In each case covered by Sections 1 and 2 hereof Moneys to the pension to which such reduction shall be applicable which reducshall be the total or aggregate amount payable to the tion appliepensioner in respect of himself and of his dependents, if any, under the War Pensions Act 1922 and amending Acts and any Acts from time to time in force granting a bonus in addition thereto.

4. All pensions to or in respect of dependents, other Reduction of than widows, and whether residing in Newfoundland or pensions to not, of deceased members or ex-members of the forces shall be paid less twenty per cent reduction; pensions to widows of members or ex-members of the forces, whether residing in Newfoundland or not (not including pensions paid to or through them in respect of children) shall be paid without reduction.

Retroactive validation of reductions.

5. The Governor in Council shall be deemed to have had power to make reductions on the above mentioned scale in the case of the pension payments for September, 1932, and subsequent payments up to the date of the 30th day of June, 1933, and the reductions shall be deemed to have had effect from September, 1932, as if the same had then been voted by the Legislature.

Pensions in respect of or children born after date of Act.

6. Anything to the contrary in the War Pensions Act, 1922, or amending Acts notwithstanding, no pension shall wives married be payable to or in respect of any woman marrying an ex-member of the forces after the passing of this Act or any issue of such marriage.

Powers of Governor in Council.

7. The Governor in Council shall have power to vary the rates of reduction in this Act set forth in individual cases where he may consider that special hardship is caused by the reduction.

CAP, LXV.

AN ACT TO CONFIRM CERTAIN TEMPORARY LOANS

(Passed May 23, 1933)

Cap. 65

1.—Confirmation of Temporary Loans from certain Banks. Schedule.

Whereas during the period from June 25, 1931, to December 30, 1932, both dates inclusive, the Governor in Council raised under the provisions of the Consolidated Revenue and Audit Act, 1899, from the Bank of Montreal, the Bank of Nova Scotia, the Royal Bank of Canada, and the Canadian Bank of Commerce, certain temporary loans as set forth in the Schedule hereto, some of which were by way of renewal of former temporary loans raised in the same manner:

AndWhereas none of the said temporary loans have yet been repaid;

And Whereas the said Banks have requested, that the said temporary loans be confirmed by Statute, and it is expedient to comply with such request;

- Be it, therefore, enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session, convened, as follows:
- 1. The loans set forth in the Schedule hereto as hav-Confirmation ing been raised from the Bank of Montreal, the Bank of Loans from Nova Scotia, the Royal Bank of Canada, and the Can-certain banks. adian Bank of Commerce, are hereby declared to have been lawfully and validly raised upon the credit of the Dominion, and to be due and payable to the several Banks respectively upon demand out of the Consolidated Revenue Fund; and in the meantime it shall be lawful

for the Governor in Council to pay interest to the said Banks respectively upon each of the said temporary loans at the rate of interest set opposite to each such loan in the Schedule.

Schedule.

SCHEDULE

Temporary	Loans	Raised	from	the	Bank	of	Montreal	
Date of origin	ดไ						Rate	6

Date of or	iginal		Rate of
advan	ee	Amount	Interest
December	22, 1931\$	500,000.00	51/2%
August	18, 1931	600,000.00	51/2%
June	25, 1931	785,000.00	51/2%
December	31, 1931	863,500.00	51/2%
December	30, 1932	245,000.00	5 %

\$2,993,500.00

Temporary Loans Raised from the Bank of Nova Scotia

June	25,	1931\$	667,000.00	51/2%
December	31,	1931	733,700.00	51/2%
December	30,	1932	208,125.00	5 %

\$1,608,825.00

Temporary Loans Raised from the Royal Bank of Canada

June	25,	1931\$	429,000.00	51/2%
December	31,	1931	471,900.00	51/2%
December	30,	1932	134,375.00	5 %

\$1,035,275.00

Temporary Loans Raised from the Canadian Bank of Commerce

June	25, 1931\$	119,000.00	51/2%
December	31, 1931	130,900.00	51/2%
December	30, 1932	37,500.00	5 %

^{\$ 287,400.00}

CAP. LXVI.

AN ACT TO RATIFY CERTAIN TEMPORARY LOANS RAISED FROM THE BRITISH GOVERN-MENT

(Passed July 7, 1933)

SECTION

1.—Confirming Loan of December 31, 1932.

SECTION

2.—Confirming Loan of June 30, 1933.

WHEREAS on December 31st, 1932, His Majesty's Government in the United Kingdom advanced by way of loan to the Government of Newfoundland the sum of £166,569.10.6;

AND WHEREAS on the 30th day of June, 1933, His Majesty's Government in the United Kingdom advanced by way of loan to the Government of Newfoundland the sum of £388,420-7s.-8d.

AND WHEREAS neither of the said loans has been yet repaid;

AND WHEREAS it is desirable that the said loans be confirmed by Statute;

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session, convened, as follows:
- 1. The loan of £166,569.10.6 made by His Majesty's Confirming Government in the United Kingdom to the Government Loan of of Newfoundland on the 31st day of December, 1932, is December 31, hereby declared to have been lawfully and validly raised upon the credit of the Dominion, and to be due and pay-

able to His Majesty's Government in the United Kingdom upon demand out of the Consolidated Revenue Fund; and in the meantime it shall be lawful for the Governor in Council to pay interest thereon at the rate of five per centum per annum to His Majesty's Government in the United Kingdom half-yearly on the 30th day of June and the 31st day of December in each year, the first of such payments to be made on the 30th day of June. 1933.

Confirming Loan of

2. The loan of £388,420-7s.-8d. made by His Majesty's June 30, 1933. Government in the United Kingdom to the Government of Newfoundland on the 30th day of June, 1933, is hereby declared to have been lawfully and validly raised upon the credit of the Dominion, and to be due and payable to His Majesty's Government in the United Kingdom upon demand out of the Consolidated Revenue Fund; and in the meantime it shall be lawful for the Governor in Council to pay interest thereon at the rate of five per centum per annum to His Majesty's Government in the United Kingdom half-yearly on the 31st day of December and the 30th day of June in each year, the first of such payments to be made on the 31st day of December, 1933.

CAP. LXVII.

AN ACT FOR THE RATIFICATION OF A TEMPOR-ARY LOAN FROM THE ROYAL BANK OF CANADA

(Passed July 7th, 1933)

SECTION

1.—Confirmation of Agree ment. Schedule.

WHEREAS on the 30th day of November, 1931, the Governor in Council raised under the provisions of the Audit Act, Chapter 23, Consolidated Statutes (Third Series) from The Royal Bank of Canada a temporary loan of Three hundred thousand Dollars, and entered into a certain agreement with the said The Royal Bank of Canada in the terms of the schedule hereto:

AND WHEREAS the said temporary loan has not yet been repaid;

AND WHEREAS the said The Royal Bank of Canada has requested that the said temporary loan and the said agreement be ratified and confirmed by Statute, and it is expedient to comply with such request;

AND WHEREAS the said Royal Bank of Canada has agreed to reduce the rate of interest from six per centum to five and one-half per centum per annum as from the first day of June, A.D. 1933;

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. The Agreement forming the Schedule hereto is Confirmation hereby ratified and confirmed and all and singular the of Agreement. several clauses, provisions and conditions thereof (save that relating to the rate of interest) are hereby declared

valid and binding upon the parties thereto and each of them respectively: And the said Loan of three hundred thousand dollars raised from The Royal Bank of Canada is hereby declared to have been lawfully and validly raised upon the credit of the Dominion, and to be due and payable to The Royal Bank of Canada upon demand out of the Consolidated Revenue Fund: And as from the first day of June, A.D. 1933, it shall be lawful for the Governor in Council to pay interest to the said The Royal Bank of Canada upon the said temporary loan at the rate of five and one-half Dollars per centum per annum.

Schedule.

SCHEDULE

THIS INDENTURE made and entered into at Saint

John's, in the Island of Newfoundland, this 30th day of November Anno Domini, One thousand Nine hundred and Thirty-one: BE-TWEEN His Excellency Sir John Middleton. K.C.M.G., K.B.E., Governor and Commander-in-Chief in and over the Colony of Newfoundland and its Dependencies in Council (hereinafter called "the Government'') of the one part AND The Royal Bank of Canada (hereinafter called "the Bank" of the

(Sgd.) J. Middleton Governor

WHEREAS the Bank has agreed to lend to the Government the sum of Three hundred thousand dollars (\$300,000.00) repayable at the end of six months from the thirtieth day of November A.D. 1931, such loan to be secured by a temporary debenture under the Audit Act, Chapter 23, Consolidated Statutes (Third Series).

other part.

AND WHEREAS in order the better to secure the repayment to the Bank of the said sum it has been agreed that the Government shall enter into an agreement with the Bank in the terms hereinafter set forth, such agreement being collateral and auxiliary to the said temporary debenture.

AND WHEREAS the Government has purchased the Newfoundland Hotel at a sale conducted under an Order of Mr. Justice Kent, dated the 21st day of March, 1931;

NOW THEREFORE in consideration of the said loan the Government agrees with the Bank as follows:—

- 1. The Government will set aside all net profits, if any, which may arise from the operation of the Newfoundland Hotel from the time when the Government shall come into possession of the same up to the time when the said loan shall be paid off, to the intent that the said profits shall form a fund for the repayment of the said loan so far as they shall extend, without prejudice, however, to the liability of the Government to provide funds for the payment off of the said loan by such other means as it may deem fit, and without prejudice to the right of the Bank to sue for the recovery of the amount due should the said loan or any part thereof remain unpaid at the date of maturity of the said temporary debenture.
- 2. The Government further agrees with the Bank that if the Government shall sell the said Hotel during the currency of the said loan the proceeds of the said sale after deducting the necessary expenses shall be paid to the Bank on account of the said loan, so far as the same may extend or be needed, and without prejudice as in the preceding paragraph provided; and further provided always that nothing herein shall oblige the Government to sell the said Hotel.
- 3. The Government further agrees with the Bank that it will during the currency of the said loan insure and keep insured the said Hotel and its contents and

equipment against loss or damage by fire in the sum of Three hundred and Fifty thousand dollars in good and reputable insurance companies and will duly and regularly pay the premiums for such insurance and will assign the policies of such insurance to the Bank and will exhibit to the Bank upon demand the receipts for the premiums and renewals thereof, and will deliver to the Bank the said policies of insurance and all renewals thereof; and that in the event of the said Hotel being destroyed by fire during the currency of the said loan, the proceeds of such insurance shall be applied by the Bank towards the payment off of the said loan, together with all interest which may be due thereon, and the balance of such proceeds, if any, shall be paid to the Government, but if the said Hotel shall not be wholly destroyed by fire but shall be partially destroyed or damaged only, then the proceeds of such insurance shall in the discretion of the Government to be exercised within one month from the date of the said fire be applied in repairing and making good the said damage, otherwise the same shall be applied by the Bank towards the payment off of the said loan.

- 4. Upon the payment off of the said loan the Bank shall forthwith reassign all policies of insurance to the Government.
 - IN WITNESS WHEREOF His Excellency the Governor in Council has caused the Great Seal of the Island of Newfoundland to be set hereunto and has signed these presents and The Royal Bank has hereunto set its seal the day and year first before written.

By His Excellency's Command,

(Sgd.) A. Barnes,

Secretary of State. SEAL For The Royal Bank of Canada,

(Sgd.) H. S. Holt, President

The Common Seal of the Royal Bank was hereto affixed in presence of:

(Sgd.) S. G. Dobson,

Asst. General Manager. (Sgd.) F. C. Armstrong

CAP. LXVIII.

AN ACT IN RELATION TO THE AMENDMENT OF THE LOAN ACT 1932 (22 Geo. V. Cap. 32)

(Passed May 23, 1933)

SECTION 1.—Transfer of balance of 1932 Loan to Consolited Revenue Fund.

WHEREAS out of the loan raised under the Act 22 Geo. V. Cap. 32 (The Loan Act 1932) there remains, after providing for the purposes mentioned in sub-sections (a), (b) and (c) of section 2 of the said Act, the sum of One Hundred and Eighteen Thousand, Nine Hundred and Thirty-seven Dollars and Fifty Cents (\$118,937.50);

AND WHEREAS it is expedient to use the said sum for the purpose of making good a deficit in the Consolidated Revenue Fund instead of for the purchase of stock or bonds of the Newfoundland Government as provided in sub-section (d) of section 2 aforesaid;

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Notwithstanding the provisions of sub-section (d) of the Loan Act 1932 it shall be lawful for the Governor in Council to transfer to the Consolidated Revenue Fund for the purpose of making good a deficit therein the sum of One Hundred and Eighteen Thousand, Nine Hundred and Thirty-seven Dollars and Fifty Cents (\$118,937.50) being the amount remaining out of the loan raised under the Loan Act 1932 after providing for the purposes mentioned in sub-sections (a), (b) and (c) of section 2 of the said Act.

Transfer of balance of 1932 Loan to Consolidated Revenue Fund,

CAP, LXIX.

AN ACT FOR THE FURTHER AMENDMENT OF THE REVENUE ACT, 1925

(Passed July 7, 1933)

- Be it Enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:
- 1. Section 7 of the Act 15 Geo. V., Chapter 34, entitled "The Revenue Act 1925" as heretofore amended, is hereby further amended by inserting the following changes:
 - (1) By inserting after the number of the Section the figure "(1)".
 - (2) By striking out of the part of the section hereby numbered (1) the words "of a class or kind made in Newfoundland."
 - (3) By striking out the word "That" at the beginning of sub-section (2).
 - (4) By striking out the word "That" at the beginning of sub-section (3).
 - (5) By striking out of sub-section (6) the words "made or."
- 2. Whenever the currency of any non-British country has depreciated in relation to Newfoundland currency there shall be imposed upon the produce of such foreign country liable to ad valorem duty or a specific duty, or

both, an additional duty or special duty equal to the difference or any part of the difference between the value of the goods computed at the current rate of exchange at date of invoice, such rate of exchange being certified by a Bank or British Consul, and the value of the goods computed at the par value of the said currency or at the proclaimed value as fixed from time to time by the Governor in Council under Section 70 of the Customs Act, 1933; and all such additional or special duties shall be collected in addition to and in the same manner as all other duties now payable.

- 3. Section 14 of the said Act stands repealed by Section 230 of the Customs Act, 1933.
- 4. Section 19 of the said Act is hereby repealed, and the following substituted therefor:
 - 19. (1) It shall be lawful for the Governor in Council to direct the appropriation of the duties collected upon coal in the port of St. John's for the use of the St. John's Municipal Council.
 - (2) In the case of the towns of Harbour Grace, Carbonear, Placentia and Heart's Content until such towns shall have been incorporated as municipalities under the Act of the present Session of the Legislature, entitled "An Act respecting Local Government," it shall be lawful for the Governor in Council to appropriate from the duty collected upon coal at such towns such an amount as will in the opinion of the Governor in Council be equal to the whole of the duties collected at the said places upon coal, imported and used for domestic purposes, such amount shall be paid to such companies or persons for the use of the said towns respectively as shall be determined by the Governor in Council.

- (3) In the case of the town of Grand Bank it shall be lawful for the Governor in Council to appropriate from duty collected upon coal at Grand Bank for the use of the Board of Harbour Commissioners for the port of Grand Bank a sum equal to twenty cents per ton out of the duties collected at the said place upon coal imported and used for domestic purposes.
- 5. Section 33 of the said Act is hereby amended by striking out therefrom the words "except butter."
- 6. No person shall operate or carry on in this Dominion any establishment for the manufacture or treatment of spirituous liquors save under a license from the Minister of Finance and Customs, who may grant such license upon application. Such an establishment shall not be licensable unless at least eight operators are employed therein. A fee shall be paid to the Minister of Finance and Customs for the license, which shall be paid annually in advance and which shall be in proportion to the number of operators employed in the establishment as follows:—

Every establishment operating from 8 to 20 operators \$200.00 per annum.

Every establishment operating from 21 to 50 operators \$500.00 per annum.

Every establishment operating from 51 to 100 operators \$800.00 per annum.

Every establishment operating from 101 or more operators \$1,000.00 per annum.

7. Every establishment for the manufacture or treatment of spirituous liquors shall be for the purposes hereinafter stated a bonded warehouse; the products manu-

factured therein and the ingredients of such manufacture being for the purpose hereinafter set forth under the control of the Minister of Finance and Customs and such officers as he may appoint from the time of the introduction of such materials into the establishment until an excise permit has been granted for the removal of such product from the establishment and the excise duty if any paid thereon.

- 8. The owner or manager of every establishment in this Dominion, where spirituous or malt liquors are made, handled or treated, or his authorized agent shall on the first Monday in every month render to the Collector of Customs an account of the spirituous or malt liquors made, handled or treated at the establishment since the last preceding account and shall make and subscribe, before the Collector, the following oath:
- I, A. B., do swear that the account, which I have now rendered is a correct account of all liquors made (treated) at the establishment of since the day of and that no liquors, to my belief have been removed from the establishment without being gauged and the strength ascertained according to law, or without a permit from the Collector of Customs for the district. So help me God.

Sworn before me this day of $\operatorname{A.D}$ 19 .

(signed)

9. Entry shall at the same time be made of the liquors and excise duties, if any, paid thereon or the liquors warehoused. If the duties be paid the Collector shall give a removal permit in the following form:

Permit A. B., to receive from the stock of the following liquors made by him, that is to say:

Given under my hand at , this day of 19 .

Cap. 69

Signed C. D. Collector, (or as the ase may be).

- 10. For investigating the correctness of the account and ascertaining the true quantity of liquors made, handled or treated at any establishment, the revenue officers shall have the same power as by law conferred with respect to dutiable goods imported.
- 11. If any spirituous or malt liquors shall be found in any establishment after the day on which the same ought to have been reported and entered, the same shall be forfeited.
- 12. If the excise duty, if any, or entry for home use be not paid within twenty-four hours thereafter, the said liquor shall be forfeited to His Majesty, and the owner thereof shall be liable to a penalty of not less than one hundred dollars and not more than two hundred dollars.
- 13. It shall be unlawful for any person to take from such establishment or from the part or parts under the control of the officer aforesaid any product of the establishment not contained in packages marked or stamped by the excise officer with the name of the article or some other stamp or mark whereby the product of the establishment may be distinguished except by permission of the Minister of Finance and Customs.
- 14. The following Section is added to the said Act as Section 40:
 - 40. It shall be lawful for the Governor in Council at any time by proclamation to order that the preferences set forth in Schedule F. to this Act shall apply to goods the product of any of the non-self-governing Colonies and Protectorates in His Majesty's Dominions or to the mandated territory of Tanganyika, the Cameroons under British mandate, or Togo-

land, under British mandate; and he may by such proclamation also extend to any of the said Colonies and Protectorates and territories under mandate any preference for the time being accorded to the United Kingdom and the said preferences shall thereupon apply as from the date mentioned in the said Proclamation.

- 15. There shall be levied and collected and paid upon all goods enumerated in Schedule G to this Act when such goods are exported from this Colony the rate of export duty set forth and described in the said Schedule.
- 16. Schedules A, B and D to the said Act as heretofore amended are hereby further amended by inserting therein the following changes:

SCHEDULE A

- Item 1. Insert the words: "Whole wheat, for grinding or milling—per bushel, ".10."
- Item 43. Add the following sub-item: "Butter when imported by manufacturers of butterine or similar compounds for use as an ingredient in such manufacture, free,"
- Item 74. Delete the figures ".08" and substitute the figures ".12."
- Item 79. Strike out the present item and substitute the following:

- Item 81.—Delete the figures "\$5.50" and substitute the figures "\$4.50."
- Item 101. Kerosene oil or refined petroleum, including duty on package—per gallon...01c. Gasolene of all grades, including duty on package—per gallon............01c.
- Item 168. Add to this Item the following paragraph:
 - (b) Tin in sheets, solder and lining compounds for the manufacture of cans for food products—Free.
- Item 173. Add the words "Corrugated Zinc when imported by manufacturers of washing boards and used in the construction of same—ad val. 15%.
- Item 203. Insert after the words "Agricultural purposes" the words "and garden tractors, and motor mowers costing at the port of shipment not less than \$125.00 imported for School or Athletic Clubs directly associated with Schools."
- Item 205. Delete the word "Free" and substitute the words and figures "ad val. 10%.

Item 227 (a) Insert the words:

- Hemp, jute or linen bags or sacks, printed or plain, to contain flour ground or milled in the Dominion, ad val. 15%.
- Hemp, jute or linen material, printed or plain, for the making of bags or sacks to contain flour ground or milled in the Dominion, ad val. 10%

- Item 230. Insert a new Item numbered 230 (a) as follows:
 - (a) Buttons and buckles when imported by manufacturers of boots and shoes for use in their manufacture, ad. val. 25%.
- Item 242. Delete the word "Free" and substitute the words and figures "ad val. 10%."

Item 247. Insert the words:

Soles of rubber, leather substitute composition or other material, cut or shaped, when imported by manufacturers of boots and shoes for use in their manufacture, ad val. 25%.

Material of rubber, leather substitute, composition or other material, for soles or inner soling, not cut or shaped, when imported by manufacturers of boots and shoes for use in their manufactures, ad val. 20%.

Insert the words:

- "All other upper leathers, excepting bark tanned, N.E.S., and japanned, patent or enamelled leather, but including leather substitutes and felt; when imported by manufacturers of boots and shoes for use in their manufactures, ad val. 30%.
- Item 256. Strike out the amendment to this Item made by the Act 22 George V (Second Session), Chapter 39, and insert after the words "their manufactures" a semi-colon and the following words: "Clear white pint and quart bottles when imported by bona fide manufacturers for enclosing their manufactures."

Item 258. Insert the following:

Cigarette papers per 60 sheets, .01.

Item 267. Strike out the present Item 267 with all amendments heretofore made and substitute therefor the following:

Item 267—Books printed and not to be written or drawn upon; supplements for periodicals published by Church Societies or the like; Official reports; Newspapers and monthly, semi-monthly and weekly magazines; Weekly library papers unbound, and Christmas Annuals,—Free.

Item 272 (a)—Add to this Item the words:

Rubber bags when imported by Cold
Storage Companies to be used in the
process of freezing fish, 15%.

Item 272 (b)—Insert a new Item numbered 272

(b) as follows:

Heels or soles of rubber or other material, including leather or wood, when imported by manufacturers of boots and shoes for use in their manufacture, ad val. 25%.

Item 277. Delete the words and figures "per lb.—.02" and substitute therefor the words and figures "ad val. 10% and per lb., .02."

Item 285. Add the words and figures "and ad val. 10%."

Item 300. Delete the words and figures "per lb. .02½%" and substitute therefor the words and figures "ad val. 10% and per lb., .02½."

Item 315. Strike out the amendment to this Item introduced by the Act 22 George V., Chapter

34, and insert after the letters "N.E.S." the following words "tins of a kind not manufactured in Newfoundland, when imported by manufacturers for enclosing their manufactures.

17. At the end of Schedule A as heretofore amended there shall be added the following words: "Upon goods, wares and merchandise the products of the United Kingdom of Great Britain and Northern Ireland and upon all goods, wares and merchandise that enter into the manufacture of such goods, wares and merchandise (when imported by manufacturers for use in their manufactures in Newfoundland) imported directly from the United Kingdom there shall be allowed a reduction of 10% ad valorem upon the following Items, namely:

Item 61. Lard, Lard Compound and similar substances, Cottolene and Stearine of all kinds. Lard, Neutral Stock, Lard Oil, to be used in manufactures.

Item 72. Delete the figures and letters "45%" and substitute therefor the figures and letters "50%" and .05 per lb."

Delete the figures and letters "35%" and substitute therefor the figures and letters "50%" and .01 per lb."

Delete the words and figures ad val. "30% and per lb. .01" and substitute therefor the words and figures "45% and per lb. .01."

Delete the figures and letters "55%" and substitute therefor the figures and letters "60%."

NOTE: Preference under this Item applies to the ad valorem part of the duty, but not to the speific part.

101. Linseed or Flaxseed Oil, raw or boiled, Spirits of Turpentine and substitutes therefor, and other oils to be used in manufacturing, N.E.S.

- 138. The whole Item.
- 140. The whole Item.
- 157. The whole Item.
- 161. The whole Item.
- 168. The whole Item.
- 176. The whole Item.
- 187. The whole Item.
- 195. The whole Item.
- 196. The whole Item.
- 197. The whole Item.
- 200. The whole Item.
- 201. The whole Item.
- 205. The whole Item.
- 222 (a) Piece goods of grey, white, coloured print, or dyed cotton goods; Italian cloth, Alpaca, Orleans and similar fabrics, Twill, plain or jacquard, Coat linings of Cotton, Cotton Shoulder Pads and Cotton Batting. Cloth known as Glass Cloth; Mulch Paper when imported by agriculturists for their use alone.
- 224 (a) Piece goods of flannels, serges, swanskins and kerseys; Cashmeres, Coburgs and similar dress goods, Nuns' Cloth, Tweed, Doe Skins, Felt Cloth, Felt pressed, and fabrics not made up composed wholly or in part of wool or worsted N.E.S.
- 229. The whole Item.
- 230. The whole Item.
- 233. The whole Item.
- 242. The whole Item.

- 243. The whole Item.
- 246. The whole Item.
- 247. Sole Leather in the hide or side.

All Upper Leathers except bark tanned, N.E.S. and Japanned, Patent or Enamelled Leather.

- 251. The whole Item.
- 257. Printing Paper for Printers.
- 258. Printing Paper, N.E.S., Writing Paper, Toilet Paper, Paper Bags or Sacks when not Printed on.
- 262. The whole Item.
- 266. Knife-brick; Knife Polish, and other metal polish or composition for polishing metal; Stove polish, Furniture polish and Shoe dressing.
- 273. Automobiles or Motor Cars and other similar motor vehicles and Tyres for same.
- 277. Cordage of all kinds, N.E.S.
- 279. Stoppers of all kinds for bottles, jars or other containers.
- 282. The whole Item.
- 285. The whole Item.
- 290. The whole Item.
- 292. The whole Item.
- 294. The whole Item.
- 300. The whole Item.
- 306. That part of the Item marked (a), and that part of the Item marked (d).
- 307. The whole Item.

- And there shall be allowed under similar circumstances and on similar conditions a reduction of 5% ad valorem on the following Items:
- 177. Those parts of the Items marked (b), (c), (d), and (e).
- 180. The whole Item.
- 194. The whole Item.
- 198. Machinery and parts of machinery, N.E.S.
- 222. Manufactures of cotton of all kinds, N.E.S., Quilts, counterpanes and other bed coverings, sheets and sheetings, towels and towellings, and like articles made up or not made up, N.E.S., Gloves, hosiery of cotton, art muslins and cretonnes, ladies' undergarments, sewn not woven, aprons and unenumerated manufactures of cotton, N.E.S.
- 224. Wool hosiery, gloves and mitts, blankets, bed coverings, quilts, woven and knitted shirts and drawers, cardigan jackets, sweater coats, guerneys, buntings, carpets, carpetings, rugs, mats, shawls, railway or travelling rugs and lap dusters of all kinds, and fabrics made up composed wholly or part of wool or worsted, N.E.S.
- 228. The whole Item.
- 231 The whole Item.
- 236. Leather Boots and Shoes.
- 239. The whole Item.

SCHEDULE B.

- Item 356. Strike out Item 356 together with all amendments thereof heretofore made and substitute the following:
- 356. All ingredients used by bona fide manufacturers in the manufactures of Confectionery, Jams and Jellies and Pickles.

When subject to Drawback: When used by manufacturers.

Portion of duty (not including special duty or dumping duty) payable as drawbacks:

50% of the duty paid, upon the production of affidavit satisfactory to the Minister of Finance and Customs.

SCHEDULE D.

Item 370. Strike out the figures "34", and substitute the figures "29".

Item 373. Strike out the present Item with all amendments heretofore made, and substitute therefor the following:—

Cigarettes weighing not more than 2½ lbs. per thousand......\$4.00

Cigarettes weighing more than $2\frac{1}{2}$ lbs. per thousand.............. 6.00

18. A further Schedule "F" is hereby added to the Act, as follows:

SCHEDULE "F"

Commodities

Margin of Preference

Coffee, green, roasted or ground...... 2c. per lb.
Fruit of the following kinds: Oranges,
lemons, limes, grapes, peaches,
pears, plums, apricots, bananas,
cherries, gooseberries, currants,
strawberries, pineapples, pomegranates, guava, shaddocks, man-

goes and similar green fruits and
fruit pulp
Cocoanuts, desiccated, sweetened or not4c. per lb
Tea 4c. per lb.
Vegetables, Viz: Tomatoes20% ad val.
The changes in the several items in the preceding
Section set forth shall be held to come into
effect at and from the 30th day of June, 1933,
at 9.30 a.m.

SCHEDULE "G"

Fish, viz.:

Cod, haddock, hake, ling, salted or dried or otherwise preserved, per quintal.....02c.

CAP. LXX.

An Act for Granting to His Majesty Certain Sums of Money for Defraying Certain Expenses of the Public Service for the Financial Years ending Respectively the Thirtieth day of June One Thousand Nine Hundred and Thirty-three and the Thirtieth Day of June One Thousand Nine Hundred and Thirty-four, and for other Purposes Relating to the Public Service.

(Passed July 7, 1933)

MAY IT PLEASE YOUR MAJESTY:-

WHEREAS it appears that the sums hereafter mentioned are required to defray certain expenses of the Public Service of Newfoundland and not otherwise provided for, for the financial years ending respectively the thirtieth day of June One Thousand Nine Hundred and Thirtythree, and the thirtieth day of June One Thousand Nine Hundred and Thirty-four, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:-

That it may be enacted by the Governor, the Legislative Council and the House of Assembly, in Legislative Session convened, as follows:—

1. Frem and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance and the Controller of the Treasury sums not exceeding in the whole, \$1,214,843.24, (one million two hundred and fourteen thousand eight hundred and forty-three dollars and twenty-four cents), and the said sums so issued shall be paid and applied by the several Departments from the first day of July One Thousand Nine Hundred and Thirty-two to the Thirtieth day of June One Thousand

Nine Hundred and Thirty-three, towards defraying the charges and expenses of the Public Service of the Dominion as set forth in Schedule A of this Act.

2. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Minister of Finance and the Controller of the Treasury sums not exceeding in the whole, \$6,167,569.51 (six million one hundred and sixty-seven thousand five hundred and sixty-nine dollars and fifty-one cents), and the said sums so used shall be paid and applied by the several Departments from the first day of July One Thousand Nine Hundred and Thirty-three to the thirtieth day of June One Thousand Nine Hundred and Thirty-four, towards defraying the charges and expenses of the Public Service of the Dominion as set forth in Schedule B of this Act.

SCHEDULE A.

SUPPLMENTARY SUPPLY 1932-33

FINANCE DEPARTMENT

HEAD I.—Interest on Public Debt......\$ 145,000.00

HEAD II.

FLEAD II.—	
Expenses under the Insurance	
Companies' Act of 1906\$	2,000.00
Finance Contingencies	1,000.00
Reorganization, Government Ser-	
vice and Finance	5,500.00
Guarantees	1,600.00
Steamship Subsidies	22,500.00
Salaries of Minister of Marine	
and Fisheries and the Minister	
of Labor Bureau	5,500.00
HEAD IX -	

Fishery Encouragement 25,500.00

HEAD XIII.—		
General Contingencies Newfoundland Railway—In Aid		233,600.00
		200,000.00
Secretary of State's Dept.		
HEAD II.—		
Ottawa Economic Conference		4,440.43
Division of Public Health.		
HEAD VII.—		
Training of the Deaf and Dumb (1931-32 Account) Training of the Blind (1931-32	8,456.00	
Account)	3,680.00 17,864.00	
Relief		30,000.00
Justice Department.		
HEAD II.—		
Supreme Court Salaries	27.00	
HEAD IV.		
Prosecutions, Investigations, Civil Actions, Conveyance of Pris-		
oners, Fees and Expenses of Witnesses	12,000.00	
Maintenance of Order, Emer-	,	
gency Expenditure	500.00	
each	13,024.83	
97 Constables (Special Auxiliary	10 100 00	
Force)	10,126.80	

1933 Public Service 2	Act	Cap. 70
ance	700.00 150.00 50.00	36,578.63
Public Works Dept.		
HEAD IV. S. S. Meigle, October 26th to June 26th, 8 months		16,000.00
Marine and Fisheries Dept.		
HEAD IX.— Public Wharves Fishery Encouragement ''Cape Agulhas'' Lighthouse Maintenance Noon Gun and Blockhouse Meteorological Service	6,000.00 5,000.00 18,000.00 8,000.00 200.00 1,000.00	38,200.00
Agriculture and Mines Dept.		
HEAD II.— Contingencies	1,118.00 4,000.00	
Balance on Seed Potatoes (Spring 1932) Travelling and other expenses. Seed Potatoes (Spring 1933) and other seed	10,386.00 1,000.00 72,000.00	
Wheat Distribution	2,000.00	
Stamp Refund: Required to purchase Stamps for Saw Mill Licenses and for other titles	2,000.00	92,504.00

497

Purchase of Land from Reid Newfoundland Company		29,448.00
Customs Department.		
HEAD XII.—		
Preventive Officer	875.00	
Appraiser of Cattle	150.00	
Excise Stamps	3,000.00	
Fines and Forfeitures	4,000.00	
Refunds	54,000.00	
Products	97,000.00	
Preventive Service	22,000.00	
~		181,025.00
Posts and Telegraphs Dept.		
Postal.		
HEAD II.		
Storekeeper, September-November	180.00	
Storekeeper, November-June	658.32	
Mail Clerk, October-November	121.50	
Tittil Olding October 110 vonibol		
Telegraph		
HEAD XI.—		
Fourth Check Clerk, July-June	805.00	
Radio Expert, December-June	420.00	
Operator, November-June	680.00	
Operator, December-June	513.46	
Clerk T. Office, November-June	252.00	
Line Repairer, Carbonear, Oc-	04.00	
tober-June	81.00	
Line Repairer, Newtown, Octob-	04.50	
er-June	94.50	
Balance	2,674.40	
-		6,480.18

Board of Pensions Commissioner	Board	of I	Pension.	s Com	miss	ioners	:
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Filing Clerk 825.00

Assistant Filing Clerk and Mes-

senger 742.00

1,567.00

NOTE—In addition to the above the following expenditure was made under Section 33 (b) of the Audit Act:

\$747,000.00

SCHEDULE B.

Sums granted to His Majesty by the Act for the financial year ending thirtieth June One Thousand Nine Hundred and Thirty-four and the purposes for which they are granted.

Finance Department.

HEAD I.-

Interest on Public Debt......\$405,072.49

HEAD II.—

Salaries, Finance Department...\$ 13,995.00
Miscellaneous, Finance Dept... 15,500.00
Salaries, Board of Liquor Control 5,221.00
Salaries, Dept. of Comptroller

and Auditor General 16,268.00

Miscellaneous, Dept. of Comp-

troller and Auditor General.. 720.00 Steamship Subsidies 67,250.00

Newfoundland Railway 400,000.00

HEAD V.— Salaries, Legislative Council	HEAD III.— Civil Pensions	120,000.00	
cil	Salaries, Legislative Council	5,214.00	
bly	cil	,	
tion	bly	5,000.00	
Unforseen Expenditure		4,960.00	
HEAD II.— Salaries, Government House 6,621.85 Miscellaneous, Government House 900.00 Prime Minister's Department 8,542.00 Salaries, Secretary of State 12,334.20 Miscellaneous, Secretary of State 4,250.00 Miscellaneous, Permanent Votes 5,486.00 Vital Statistics Office 4,818.00 Weights and Measures Office 472.50 Militia 2,600.00 High Commissioner's Office 11,246.25 Division of Public Welfare. HEAD VII.— Salaries, Head Office 8,424.00		50,000.00	726,906.00
Salaries, Government House 6,621.85 Miscellaneous, Government House 900.00 Prime Minister's Department 8,542.00 Salaries, Secretary of State 12,334.20 Miscellaneous, Secretary of State 4,250.00 Miscellaneous, Permanent Votes 5,486.00 Vital Statistics Office 4,818.00 Weights and Measures Office 472.50 Militia 2,600.00 High Commissioner's Office 11,246.25 Division of Public Welfare. HEAD VII.— Salaries, Head Office 8,424.00			
Prime Minister's Department 8,542.00 Salaries, Secretary of State 12,334.20 Miscellaneous, Secretary of State 4,250.00 Miscellaneous, Permanent Votes 5,486.00 Vital Statistics Office 4,818.00 Weights and Measures Office 472.50 Militia	Salaries, Government House		
Miscellaneous, Secretary of State 4,250.00 Miscellaneous, Permanent Votes 5,486.00 Vital Statistics Office	Prime Minister's Department	8,542.00	
Vital Statistics Office			
Weights and Measures Office 472.50 Militia		,	
Militia 2,600.00 High Commissioner's Office 11,246.25 — 57,270.80 Division of Public Welfare HEAD VII.— Salaries, Head Office 8,424.00			
Division of Public Welfare. HEAD VII.— Salaries, Head Office	Militia		
HEAD VII.— Salaries, Head Office 8,424.00	High Commissioner's Office	11,246.25	57,270.80
Salaries, Head Office 8,424.00	Division of Public Welfare.		
		8,424.00 8,000.00	
Salaries, Relieving Officers 8,000.00 Relief for the Poor			845,000.00
Orphanages 34,238.00	Orphanages	34,238.00	
Charitable Societies 600.00 Miscellaneous 9,100.00			
905,362.00	annochancous		905,362.00

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Division	of	Public	Health.
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		700	2007 2007 200	
1-1	R. 4	(1)	-V	T.—

Salaries				 	13,800.00
Hospital	and c	ther G	rants.	 	48,000.00
(teneral	Public	Healtl	1	 	210,000.00

271,800.00

Justice Department.

HEAD II.—

Salaries		٠	٠	٠				٠			. 8,867.60
Miscellaneous		٠			٠				٠		. 1,270.00

10,137.60

HEAD IV.—

Salaries, Supreme Court	13,688.14
Miscellaneous, Supreme Court	3,305.00
Salaries, Deeds and Companies	3,755.20
Miscellaneous, Deeds and Com-	
panies	450.00
Salaries, District Courts	4,649.67
Miscellaneous, District Courts	1,000.00
Salaries, Magistrates	27,214.12
Miscellaneous, Magistrates	9,000.00
Salaries, Court Houses and Gaols	1,261.63
Salaries, Local Constables	246.00
Miscellaneous	18,400.00
Constabulary (Police) Salaries	243,309.50
Miscellaneous, (Police)	54,306.00
Annuities	18,198.39
Constabulary, (Fire Dept.), Sal-	
aries	29,107.50
Constabulary, Miscellaneous	14,555.00
Additional Aid, Rescue Men	. 300.00
Pensions (Fire Department)	7,318.97

460,202.72

Bureau of Education.

Salaries 12,883.00

HEAD VI.—		
Grants to Boards	213,179.01	
Sparsely Populated Localities	72,818.38	
Superior Schools	22,000.00	
Pupil Teachers	15,000.00	
Augmentation	73,902.00	
Colleges	30,000.00	
Inspection	15,000.00	
Industrial Education	3,017.61	
Teachers' Pension Fund	22,500.00	
Council of Higher Education	6,000.00	
Jubilee Scholarships	1,500.00	
Places not listed in Census	4,000.00	
Erection of School Buildings	7,000.00	
Retiring Allowances to Teachers	1,200.00	
-		500,000.00
Dept. of Agriculture and Mines.		
HEAD II.—		
Salaries	21,242.12	
NOTE TO SECULATION OF THE PROPERTY OF THE PROP		
HEAD VIII.—		
Forest Fires	8,000.00	
Encouragement of Agriculture	15,000.00	
Miscellaneous	8,400.00	
-		52,642.12
		,
Dept. of Marine and Fisheries.		
HEAD II.—		
Salaries	35,825.20	
Miscellaneous	10,000.00	
	_0,00000	
HEAD IX.—		
Fishery Encouragement	150,000.00	
Fishery Protection	46,600.00	
General	30,000.00	
Harbour Improvement	3,500.00	

1933	Public	Service	Ac

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Block House and Noon Gun Light Houses, Salaries Light Houses, Maintenance	1,300.00 65,783.00 70,817.84	413,826.04
Dept. of Posts and Telegraphs.		
Postal Branch.		
HEAD II.—		
Salaries	25,971.72	
HEAD XI.—		
St. John's Post Office, Salaries. Travelling Mail Clerks Sydney Branch Outport Postmasters, Salaries Labrador Offices, Salaries Mail Couriers Miscellaneous Steam Subsidies	41,217.88 27,749.40 5,571.22 41,467.48 2,044.50 70,000.00 50,250.00 230,150.75	
-		494,422.95
Telegraph Branch.		

HEAD XI.—

Salaries, Central Staff and St.	
John's Office	47,549.15
Outport Operators	85,000.00
Monthly Allowance, Outport Op-	
erators	3,200.00
Repairers	11,245.08
Maintenance	18,000.00
Capital Account Repairs	30,000.00
Cable Tolls	9,000.00
Telephones	8,000.00
Wireless Stations	7,500.00
Wireless, Royalties	25,000.00

244,494.23

Dept. of Customs.

HEAD XII.—

Salaries, St. John's	97,395.42
Miscellaneous, St. John's	30,350.00
Collectors	45,603.46
Sub-Collectors	736.00
Tidewaiters and Boatment	19,656.00
Boats and Boat Hire	1,000.00
Offices and Office Rent	2,000.00
Percentage on Duties	1,500.00
Miscellaneous	7,900.00
Preventive Service	34,000.00
Miscellaneous	7,000.00
Coal and Water Refunds	73,700.00
Refunds and Rebates	90,000.00
Bills of Sight Refunds	5,000.00
Refunds of Codfish Export Tax	25,000.00
Refunds of Gasolene Tax	40,000.00
	,

480,840.88

Department of Public Works.

HEAD II.

Salaries, Head Office	29,446.00
Miscellaneous, Head Office	4,200.00
Salaries, Public Buildings	15,693.00
Miscellaneous, Public Buildings	159,041.08
Pulverized Coal Burning Equip-	
ment	4,120.00
Court House	3,947.00
Penitentiary	25,223.00
Outport Court Houses and Gaols	6,550.00
Emergency Employment	200.00
Hospital for Mental and Nervous	
Diseases	91,265.00
General Hospital	93,714.00

1933 Public Service Act	Cap. 70
Tuberculosis Sanatorium 52,901.0 Home for Aged and Infirm 36,354.0 Fever Hospital	00 00 00 00 00
Pension Board Commissioners. HEAD II.— Salaries	00
HEAD III.— War Pensions 537,850.0	0 - 548,690.80
Assessor of Taxes. IIEAD II.— Salaries 9,144.4 Miscellaneous 2,543.0 Income Tax Refunds 2,000.0	0
Department of Labour. HEAD II.— Salaries	

Grand Total\$6,167,569.51

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